

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BELCALIS MARLENIS ALMÁNZAR,)
)
Plaintiff,)
v.) CIVIL ACTION
) FILE NO. 1:19-CV-01301-WMR
LATASHA TRANSRINA KEBE and)
KEBE STUDIOS LLC,)
) JURY TRIAL
Defendants.)
) VOLUME VII OF X

BEFORE THE HONORABLE WILLIAM M. RAY, II

TRANSCRIPT OF PROCEEDINGS

JANUARY 20, 2022

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21

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25

INDEX TO EXAMINATIONS**WITNESS****PAGE**

LATASHA TRANSRINA KEBE

Direct Examination (Cont'd) By Mr. Sabbak

12

Further Cross-Examination By Ms. Matz

47

INDEX TO EXHIBITS**P L A I N T I F F ' S E X H I B I T S****IDENTIFIED****ADMITTED**

524A Edited Version of YouTube
Video Entitled "Exclusive
Tasha K Leaks Private Call
Proving Lovelyti Tasha K
Planned Starmarie Interview...

18

18

INDEX TO EXHIBITS**D E F E N D A N T ' S E X H I B I T S****IDENTIFIED****ADMITTED**

3 Picture of Cardi with Cold
Sore on Her Lip

36

36

8 Kebe 12/18/18 YouTube Video
Where Kebe Addresses Cardi's
Intent to Sue Kebe...

31

31

11 Kebe 9/21/18 YouTube Video re:
Proof that Starmarie Wasn't
Lying in her Interview

14

14

34 Cardi Strip Club Beer Bottle
Video

31

31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX TO EXHIBITS (Cont'd)

D E F E N D A N T ' S E X H I B I T S

IDENTIFIED

ADMITTED

68	Kebe IG Post from 9/19/18 re: Picture of Offset with Cold Sore...	39	39
77	Screenshot of Name of Kebe 12/18/18 YouTube Video re: Responding to Defamation Lawsuit	27	27

1 Thursday Morning Session

2 January 20, 2022

3 9:20 a.m.

4 - - -

5 COURTROOM SECURITY OFFICER: All rise. United States
6 District Court for the Northern District of Georgia, Atlanta
7 Division, is now in session, the Judge William M. Ray II
8 presiding.

9 THE COURT: Thank you. You can have a seat, please.

10 COURTROOM SECURITY OFFICER: Please come to order.

11 THE COURT: All right. I wanted to come in this
12 morning to talk a minute about the end of the case because
13 some questions were raised about closing and requests -- a
14 charge conference. So we've been actively working on the
15 charges in this case, and I'm going to spend some more time at
16 lunch today trying to finalize the charges. I don't really
17 anticipate a long charge conference. I mean, for the most
18 part on the major things y'all have agreed, I think, in your
19 requests to charges. I've got a few things I'm going to
20 change.

21 As a general example, I'm going to use like the
22 discussion of the elements of the charges either from cases or
23 from the statutes themselves. One objection was made, I
24 think, by the defendant objecting to certain language in the
25 statute as being awkward. That may be true.

1 MS. IZMAYLOVA: That wasn't our objection.

2 THE COURT: In the consolidated version of everything
3 that I had there was one thing where it had objected and said
4 it was awkward or confusing. Maybe I got that wrong, but if I
5 didn't get I wrong, it may be true. And having been in the
6 legislature in Georgia, the process lends itself to awkwardly
7 written statutes. I mean, you spend hours and days sometimes
8 trying to perfect bills in committee, and then when they hit
9 the floor, at least in Georgia, any senator or representative
10 can make an amendment that might be voted on minutes later.
11 And oftentimes, you know, most of the time those amendments
12 are not from lawyers because lawyers don't predominate in any
13 legislature, much less Georgia's legislature. So sometimes
14 things do get confusing.

15 So but, you know, the most tried and true method of
16 developing jury instructions is always to rely on the statutes
17 and/or the case law that applies to statutes, particularly the
18 case law of the courts that are the reviewing court for that
19 particular trial court.

20 So I'm going to -- I think we'll have a very
21 streamlined discussion and if there -- I may very well give
22 you the instructions that I'm proposing from what y'all have
23 submitted and what we have supplemented, you know, maybe
24 overnight tonight and let you take a look at them tonight and
25 then discuss them in the morning.

1 I'm not sure if we will close tomorrow. Obviously,
2 that depends on what happens today. I do have a plea at 4:00
3 o'clock today; right?

4 COURTROOM DEPUTY: Yes.

5 THE COURT: So I'll have to end court today an hour
6 early to deal with a criminal matter that's time sensitive.
7 That may impact things today, but plan on a full day tomorrow
8 either because we're still going or because you have closed
9 and the jury has been charged. And I'm going to give them the
10 full day to -- you know, before we break over the weekend if
11 we're not finished. I will not invite the jury to come back
12 on the weekend to deliberate and will instead direct them to
13 come back on Monday if they haven't reached a verdict, if we
14 get to that point.

15 As it relates to closing, though, as far as the time
16 for closing, I will generally allow 30 minutes, but I also
17 defer to counsel for the most part. Does plaintiff have any
18 specific requests about how long you need to close?

19 MS. MATZ: Yeah. I believe that we had -- in the
20 pretrial conference order we had, both sides, requested at
21 least an hour and we had -- I know defense had raised it as
22 well, and we're in agreement with that. I think we
23 probably -- I definitely think everyone needs more than a half
24 an hour. I think an hour would be at the least.

25 THE COURT: All right. That's fine with me. I can't

1 remember if I've talked about it in this case or not. I do
2 believe I mentioned this, that my practice is to require that
3 in the first round for the plaintiff, given that the plaintiff
4 has the right to open and close the closing arguments, is that
5 your ask has to be made. In other words, if you're going to
6 ask for specific damages or suggest to the jury a certain
7 amount of damages be awarded should the jury find in your
8 favor on the issue of liability, you've got to make the ask in
9 the first round so that the defendant has an opportunity to
10 respond to the amount.

11 You don't have to necessarily put all your logic in
12 the first round, but you've got to throw the number out there
13 if you're going to suggest a number. Even if it's not
14 concrete, even if it's a range, I'm going to require that you
15 do that and would note that, you know, some federal courts
16 require you really to only use your rebuttal for rebutting,
17 kind of like the procedure for direct examination and
18 cross-examination where you can only ask about things or talk
19 about things that were brought up by the other side when you
20 get to go second or a second time.

21 I'm not requiring you to throw all your work product
22 out in the first round, but I am requiring that the numbers
23 are put forth so that the defendant can address that in their
24 closing because they will not have an opportunity to come
25 back.

1 You will be able to use any of the evidence that's
2 been admitted, including any of the videos that have been
3 admitted. Just have it ready to go. Your hour is still your
4 hour, so make sure your technology is squared up in that
5 regard.

6 We may take a break during closing, probably will at
7 least after the defendant goes. If the plaintiff spends a
8 large amount of time in their initial round of their opening
9 statement, then maybe even sooner than after the defendant
10 goes. But that's probably the more likely time that we will
11 take a break. And then we may take a break before I charge
12 the jury again. I just don't consciously like to keep people
13 in the courtroom more than an hour and a half before we break,
14 even though I recognize yesterday we were in the courtroom two
15 and a half hours, I think, before we broke at least. And I'm
16 sorry about that, just lost track of time yesterday.

17 Before the jury retires to deliberate the lawyers
18 will need to make sure that the clerk has a copy of all the
19 documents that you've admitted in sequential numbered order.
20 I doubt the jurors have kept up with your numbers, but it's
21 still helpful, I think, to have them in the order at least as
22 you review to make sure that they're all there. And we can go
23 over our list at that time to make sure that we're not
24 including things that shouldn't be included or that we have
25 included everything that should be.

1 As far as the videos are concerned, if jurors want to
2 watch those again, I will let them do that, but they have to
3 do it in the courtroom. We don't send out videos. I don't
4 send out videos to jurors.

5 Ms. Matz, did you have a question or a comment?

6 MS. MATZ: I actually had one -- two questions. One
7 is since there is a lot of media in this case if -- and I
8 haven't asked Ms. Izmaylova this, but if we were to agree that
9 we needed slightly longer than an hour, would the Court have
10 any objection to that?

11 THE COURT: I don't really have any objection. I'd
12 just ask you to put yourself in the shoes of the jury, you
13 know.

14 MS. MATZ: Of course.

15 THE COURT: But, heck, there hasn't been any
16 reluctance to participate in this case by any juror at this
17 point. Speaking of which, let me just tell you that as it
18 related to the whole discussion about the juror that was
19 excused yesterday, she was positive. So, you know, excusing
20 her would have ended up being our only option anyway absent a
21 couple of week delay.

22 The second question you had?

23 MS. MATZ: Yes. The only other question I have is
24 just to make sure I'm understanding the procedure. So if we
25 close today, I don't know how long they have --

1 THE COURT: I don't expect to close today.

2 MS. MATZ: I didn't mean closing arguments. I meant
3 closing testimony. I apologize. That was actually going to
4 be my question. I just want to make sure I'm understanding it
5 right. No matter what time testimony closes today, we're
6 going to have until the morning to figure out our videos and
7 everything for closing?

8 THE COURT: Right. We're not going to close today.

9 MS. MATZ: Okay. Wonderful.

10 THE COURT: I want you to be -- as you're sitting
11 here right now, I want you to be ready to close tomorrow.

12 MS. MATZ: Yes.

13 THE COURT: We've got to get there, obviously, but I
14 want you to be ready for that. Anything else?

15 MS. MATZ: No. That was it. I appreciate that, your
16 Honor. Thank you.

17 THE COURT: Anything else from the defendant?

18 MS. IZMAYLOVA: No, your Honor. Thank you.

19 THE COURT: So I want to start out after our
20 discussion and apologize to Ms. Izmaylova for a statement that
21 I made yesterday that bothered me overnight. I think it was a
22 low blow for me. I don't think I was wrong about the whole
23 issue of trying to use the video of the step father-in-law to
24 prove the truth of the matter asserted. I think I'm right
25 about that, but the comment made about law school was really

1 unnecessary and mean. And I'm sorry I said that, and, you
2 know, I shouldn't have.

3 MS. IZMAYLOVA: That's no problem. Thank you, your
4 Honor.

5 THE COURT: I apologize for that. All right. All
6 jurors are present? All right. Let's begin. Thank you.

7 MR. SABBAK: Your Honor, should Ms. Kebe go to the
8 stand now or --

9 THE COURT: I'm sorry?

10 MR. SABBAK: Should I recall Ms. Kebe to the stand or
11 would you like her --

12 THE COURT: Yeah. She's still up, so she can come on
13 up.

14 MR. SABBAK: Sure. Thank you.

15 COURTROOM SECURITY OFFICER: All rise.

16 (Whereupon, the jurors entered the courtroom.)

17 COURTROOM SECURITY OFFICER: Please be seated and
18 come to order.

19 LATASHA TRANSRINA KEBE,
20 herein, having been previously duly sworn, was
21 examined and testified as follows:

22 THE COURT: You can proceed. Thank you.

23 MR. SABBAK: Thank you, your Honor.

24 DIRECT EXAMINATION (Cont'd)

25 BY MR. SABBAK:

1 Q Ms. Kebe, if you would do us a favor -- there you go.

2 Let's get that figured out. All right. Good morning.

3 A Good morning.

4 Q We're going to pick up where we left off the other day.

5 A Okay.

6 Q All right. I showed you what's been already admitted into
7 evidence as Defendant's Exhibit 76?

8 A Yes, sir.

9 Q All right. If you would, ma'am, just read the title for
10 the jury, please.

11 A Yes, sir. Actual Proof Cardi B Knew Her Ex-Roommate,
12 Drake, Funky Dineva vs Tamar, Beyonce Black Majic.

13 Q Are those all part of the same story or separate stories
14 in this video?

15 A Those are separate stories, a variety of stories together.

16 Q And, Ms. Kebe, since I know it's a little blurry, can you
17 tell us when this video was made.

18 A Yes, sir, September 21st, 2018.

19 Q Do you recall how long after the Starmarie Jones interview
20 was published did you publish this video?

21 A Yes, sir, two days.

22 Q I'm showing you what's been marked as Defendant's Exhibit
23 11 for identification. All right. Let me show you something,
24 Ms. Kebe. Ms. Kebe, do you recognize this?

25 A Yes, sir.

1 Q Without testifying to the contents, what is it?

2 A This is a rebuttal video that I made.

3 Q All right. And is this the same video that was in the
4 previous exhibit?

5 A Yes, sir.

6 MR. SABBAK: Okay. Your Honor, defendant -- defense
7 moves Defendant's Exhibit 11 into evidence.

8 THE COURT: Any objection to 11?

9 MS. MATZ: Subject to the conversation yesterday, no.

10 THE COURT: All right. Defendant's 11 is admitted
11 with the limitations as previously ordered by the Court.

12 (Whereupon, Defendant's Exhibit 11 was marked for
13 purposes of identification and admitted into evidence.)

14 MR. SABBAK: Thank you, sir, and we intend to play
15 the -- this is probably an hour 20, 30 minute video. We
16 intend to only play the first 46 minutes or so for the Court's
17 knowledge.

18 THE COURT: So I'm not going to remember as we're
19 discussing any specific exhibit, but I'm going to rely on
20 counsel, I guess primarily the plaintiff, to alert me if this
21 is a video that required a limiting instruction. This is not,
22 is it?

23 MS. MATZ: No, I don't believe so, but the
24 designation was through 46:08, which may have been shortened a
25 little --

1 MS. IZMAYLOVA: It's a little bit shorter.

2 MS. MATZ: But it shouldn't be or so.

3 THE COURT: Okay. Well, I'm just going to rely on
4 the plaintiff to let me know when you request that limiting
5 instruction.

6 MS. MATZ: Thank you, your Honor.

7 MR. SABBAK: Permission to publish to the jury, your
8 Honor?

9 THE COURT: Yes, sir.

10 MR. SABBAK: Thank you, sir.

11 (Whereupon, a video recording was played.)

12 BY MR. SABBAK:

13 Q In the video we just watched you said Lovelyti was waiting
14 for the interview to drop because of her receipts. What did
15 you mean by that?

16 A Well, Lovelyti and I, another blogger that was covering a
17 different angle of the story, had been contacting me over the
18 weekend, and basically she had receipts. She didn't discuss
19 what those receipts are, and she wanted to make sure that her
20 receipts weren't fake. So she was waiting on me to drop
21 Starmarie's initial interview before it was safe for her to
22 drop her receipts, which ended up being fake anyway. And
23 that's one of the receipts that I pulled up in this video to
24 say that it was photoshopped because Cardi B did not have a
25 record deal in 2013.

1 Q Were you in contact with Lovelyti or Lovely TI throughout
2 the time you were putting the story together?

3 A Yes, sir.

4 Q At some point did you release a recording of a phone call
5 between you and Lovelyti or Lovely TI?

6 A Yes, sir.

7 Q And to your recollection when did you release the call or
8 publish the call on YouTube?

9 A Publish the call? Probably six months after I did it.
10 Like, it was maybe a month after the lawsuit was filed in
11 April of 2019.

12 Q Okay. And if you're saying that you filed or you released
13 the recording April 2019, when did you record it?

14 A Probably towards the end of September, a couple of weeks
15 after the interview and going into October because I started
16 to see that she was, you know, taking the side of Cardi B so,
17 you know, betrayed me per se, yeah, is what I mean.

18 Q I am showing you what's been already admitted into
19 evidence as Plaintiff's 524.

20 And, your Honor, this call should take about an hour
21 50 minutes or so. However your Honor wants to proceed.

22 THE COURT: Let me see if there's any objection to
23 524.

24 MS. MATZ: So could we just side bar, your Honor,
25 really quickly?

1 THE COURT: Let me just say I don't have a -- I don't
2 have an Exhibit No. 524. Is there a different exhibit number?

3 MR. SABBAK: Plaintiff's Exhibit, sir.

4 THE COURT: I'm sorry?

5 MR. SABBAK: Plaintiff's exhibit.

6 THE COURT: Plaintiff's 524.

7 (Whereupon, a bench conference was held between the
8 Court and counsel.)

9 THE COURT: 524 has been admitted.

10 MS. MATZ: No, it hasn't. This is the only thing.
11 Sorry. We played excerpts from it, and so you said you
12 edited --

13 MR. SABBAK: One section?

14 MS. MATZ: Right, so it's not -- I'm not making a big
15 deal out of this, but it's not technically Plaintiff's 524
16 anymore because you guys had -- or let's admit it as another
17 number so it's added. I just want to keep the record straight
18 because --

19 MR. SABBAK: That's fine.

20 MS. MATZ: -- we hadn't edited and --

21 THE COURT: Why don't we --

22 (Papers on microphone.)

23 THE COURT: We'll just point to -- well, 524, we'll
24 go with A. Okay?

25 MS. MATZ: That's fine. I just wanted to perfect the

1 record.

2 MR. SABBAK: That's no problem.

3 MS. MATZ: Oh, your Honor, I believe it's an hour and
4 40 minutes. Did you want to --

5 THE COURT: We'll probably go about 40 minutes, and
6 then we'll take a break. Okay. I'll let you know.

7 MR. SABBAK: Thank you, Judge.

8 (Whereupon, the following proceedings continued in
9 open court.)

10 THE COURT: All right. Plaintiff's 524 has been
11 admitted. This is a -- this particular exhibit is an edited
12 portion of Plaintiff's 524, so the Court will denote it as
13 Plaintiff's 524A, which is likewise admitted without
14 objection.

15 (Whereupon, Plaintiff's Exhibit 524A was marked for
16 purposes of identification and admitted into evidence.)

17 MR. SABBAK: Permission to publish, sir?

18 THE COURT: Yes. So, ladies and gentlemen, this is a
19 long video. It's about an hour and 40 minutes. So we're
20 going to go about 30, 40 minutes. Then we'll take a break and
21 then come back. Okay. Thank you.

22 MR. SABBAK: Thank you, Judge.

23 (Whereupon, an audio recording was played.)

24 BY MR. SABBAK:

25 Q I'm sorry. Ms. Kebe, who answered the phone?

1 A Lovely TI, the other creator that sided with Cardi B,
2 answered the phone.

3 Q And who said, hey, do you have a second?

4 A That was me.

5 Q Okay.

6 (Whereupon, an audio recording was played.)

7 BY MR. SABBAK:

8 Q That's you just now?

9 A Yes, sir, that's me. That's my voice.

10 Q Okay. All right. Thank you.

11 (Whereupon, an audio recording was played.)

12 THE COURT: Let's halt the video. We'll take a
13 10-minute recess. Thank you.

14 COURTROOM SECURITY OFFICER: All rise. Court stands
15 recess for 10 minutes.

16 (Whereupon, the jurors exited the courtroom.)

17 THE COURT: All right. So just before we break this
18 is -- y'all can have a seat. This is the limiting instruction
19 that I've written that I will give when y'all indicate for me
20 it's appropriate, and it's as follows: Hearsay is an
21 out-of-court statement offered to prove whatever it asserts.
22 Ordinarily hearsay is not admissible in court to prove the
23 alleged facts contained within. However, in some instances
24 hearsay may be admitted for another purpose. In this case
25 Ms. Kebe seeks to admit certain out-of-court statements made

1 by third parties from which she claims she was aware of and
2 relied upon when she made statements about the plaintiff.

3 The Court has admitted these out-of-court statements
4 only for that purpose. That is, that Ms. Kebe allegedly
5 relied on these statements when she said what she said. You
6 should not consider these out-of-court hearsay statements in
7 any way as support for any claim that the allegations included
8 within these out-of-court statements are true.

9 Does that work for the plaintiff?

10 MS. MATZ: Your Honor, I think that that works for
11 the Facebook post. I don't think that quite covers the
12 medical internet source or that Ms. Kebe --

13 THE COURT: Okay. I'll come up with something else
14 for that.

15 MS. MATZ: Okay.

16 THE COURT: It may have some similar connotations,
17 but I'll write a different one for that one.

18 MS. MATZ: Yeah, just making it clear that like
19 photos with -- yeah, you understand. And then the only other
20 thing I might say is that you said, like, statements and that
21 you might want to clarify that that also could include
22 someone, Ms. Kebe, either showing or repeating what someone
23 else said because she does both in the video. She both shows
24 the post and then repeats things that she's been told about
25 it.

1 THE COURT: Yeah, that's getting too much into the
2 weeds. I mean, the things that she's repeating are the things
3 that were in the statements that she received. So --

4 MS. MATZ: Fair enough.

5 THE COURT: These terms are second nature to us, but,
6 I mean, I've even tried to simplify some of the language as it
7 is. First was looking in *Black's* and then I went to -- which
8 may be the better source of ordinary thinking, ordinary
9 language, just general internet definitions. But I'll come up
10 with a different somewhat similar instruction as it relates to
11 the medical information. All right. So I'll see y'all in 10
12 minutes.

13 MS. MATZ: Thank you, your Honor.

14 COURTROOM SECURITY OFFICER: All rise. Court stands
15 in recess for 10 minutes.

16 (Brief recess.)

17 COURTROOM SECURITY OFFICER: All rise.

18 (Whereupon, the jurors entered the courtroom.)

19 COURTROOM SECURITY OFFICER: Please be seated and
20 come to order.

21 THE COURT: All right. You can resume. Thank you.

22 MR. SABBAK: Thank you, Judge. Resuming at minute
23 36:14 seconds.

24 (Whereupon, an audio recording was played.)

25 BY MR. SABBAK:

1 Q Ms. Kebe, what was Starmarie Jones lying about?

2 A Oh. One thing for sure is she communicated to other
3 platforms that I offered her a radio job, and I could not do
4 that. I basically offered her a recommendation because the
5 station that we recorded at wanted health and wellness shows,
6 and I said I would put in a recommendation for you. So she
7 took that as if I had the power to give her a job.

8 The second thing she, I feel, that she lied about I
9 can't say for sure was, you know, the prostitution claims.
10 You know, you're going to a hotel with Ms. Almánzar. And you
11 know that Ms. Almánzar is going there to possibly trick off,
12 which is prostitute, and you get in a bed with Ms. Almánzar
13 and this supposed John. I thought that was a little bit
14 embellished because if I'm not into prostitution, I'm not
15 going to go and assist in prostitution activities.

16 So her saying that she woke up, and the guy was
17 eating her out and she didn't want to do anything, I just
18 thought that was a little farfetched. So those were the two
19 lies that I thought that she was telling.

20 Q Are you saying that Starmarie Jones was a willing
21 participant --

22 MS. MATZ: Objection, your Honor. Leading.

23 THE COURT: Sorry. So, first of all, you need to be
24 in front of a microphone because it helps the transcription.
25 And what's your objection?

1 MS. MATZ: He's leading the witness.

2 THE COURT: Sustained.

3 BY MR. SABBAK:

4 Q And what was your impression of Starmarie Jones, her
5 willingness to participate? Did you believe that she was a
6 willing participant?

7 A Absolutely, yes. Yes, sir, in the prostitution.

8 Q Yes.

9 A Yes, sir.

10 MR. SABBAK: We can stop here, Judge.

11 THE COURT: Sorry?

12 MR. SABBAK: We can stop here.

13 THE COURT: Are you finished with your questions?

14 MR. SABBAK: For this set of questions, but we have
15 another video.

16 THE COURT: All right. Thank you.

17 Ladies and gentlemen, we'll break for lunch. We'll
18 see you at 1:30. Take your notes with you. Thank you.

19 COURTROOM SECURITY OFFICER: All rise.

20 (Whereupon, the jurors exited the courtroom.)

21 COURTROOM SECURITY OFFICER: Please be seated.

22 THE COURT: So just quickly, the other statement as
23 it relates to the interview where the medical, pseudo medical,
24 definition was provided, this is what I've written: In this
25 next video there will appear on the screen certain information

1 or text which purportedly defines herpes or the symptoms of
2 herpes. This information is not evidence of what herpes is or
3 what some or all of the symptoms of herpes includes, rather,
4 it is merely information which Ms. Kebe obtained from some
5 source in which she alleges that she relied upon when she made
6 certain statements about the plaintiff.

7 MS. MATZ: Yeah. I think that works, your Honor.
8 Thank you very much. We appreciate that.

9 MS. IZMAYLOVA: That's fine with us, your Honor.

10 THE COURT: Okay. We'll see y'all in an hour. Thank
11 you.

12 MS. MATZ: Thank you.

13 MS. IZMAYLOVA: Thank you, your Honor.

14 COURTROOM SECURITY OFFICER: All rise.

15 (Whereupon, a recess was taken from 12:30 p.m. until
16 1:30 p.m.)

17 COURTROOM SECURITY OFFICER: All rise. This Court is
18 again in session.

19 THE COURT: All right. Thank you.

20 COURTROOM SECURITY OFFICER: Please be seated and
21 come to order.

22 THE COURT: All right. You can bring the jury in,
23 please.

24 COURTROOM SECURITY OFFICER: All rise.

25 (Whereupon, the jurors entered the courtroom.)

1 COURTROOM SECURITY OFFICER: Please be seated and
2 come to order.

3 THE COURT: All right. Good afternoon. So it's my
4 understanding that a juror or jurors anonymously have
5 requested that things be warmed up a little bit. So we have
6 placed a call for that to happen, which probably means before
7 we leave today it's going to be really hot. Unfortunately,
8 there doesn't seem to be a lot of middle ground. I don't
9 normally recognize it being very cold because I like it cold
10 generally. The court reporter doesn't because she's got a
11 space heater right down here that I was told about, so she's
12 not complaining either. So, in any event, we'll continue with
13 the defendant's examination. Go ahead.

14 MR. SABBAK: Thank you, your Honor.

15 Ms. Kebe, good afternoon.

16 THE WITNESS: Good afternoon.

17 BY MR. SABBAK:

18 Q What happened after you published the video we saw before
19 lunch?

20 A A few months went past, and I got word of a video with
21 Ms. Almánzar in a towel. And she basically made a video to
22 her followers stating that she was going sue me for defamation
23 of character.

24 Q Was that the video you said with the towel on her head we
25 watched last week?

1 A Yes, sir.

2 Q What did you do after you saw the video?

3 A I made a response to the video, to the allegations that
4 was made in her video that she made on Instagram.

5 Q I'm showing you what's been marked as Defendant's Exhibit
6 77. Ms. Kebe, do you recognize that?

7 A There's nothing on the screen.

8 Q Okay. Without testifying to the substance, how do you
9 recognize that?

10 A No, I don't see anything on the screen.

11 THE COURT: It's not up yet.

12 MR. SABBAK: Oh, it's not up?

13 THE COURT: It shouldn't go there. It should just
14 be --

15 BY MR. SABBAK:

16 Q My apologies. Ms. Kebe, I'm showing you what's been
17 premarked as Defendant's Exhibit 77. Do you recognize that?

18 A Yes, sir.

19 Q All right. How do you recognize that?

20 A That's a screenshot from my YouTube channel.

21 MR. SABBAK: Your Honor, we would move Defendant's
22 Exhibit 77 into evidence.

23 THE COURT: Any objection to 77?

24 MS. MATZ: No, your Honor.

25 THE COURT: All right. 77 is admitted.

1 MR. SABBAK: Thank you, sir.

2 (Whereupon, Defendant's Exhibit 77 was marked for
3 purposes of identification and admitted into evidence.)

4 BY MR. SABBAK:

5 Q All right. Ms. Kebe, if you would, for the jurors please
6 read out the name and the title.

7 A Yes, sir. Tasha K Responds to Cardi B's Diffamation Suit
8 and Offset's Dad Calling Cardi B Out and More.

9 Q And, if you would, for the jury the date this video was
10 published on YouTube.

11 A December 18th, 2018.

12 Q I'm showing you now what's been marked as Defendant's
13 Exhibit 8. Ms. Kebe, do you recognize that?

14 A Yes, sir.

15 Q How do you recognize that?

16 A That's the actual video that I made in response to Cardi
17 B's announcement that she was going to sue me.

18 MR. SABBAK: Okay. Your Honor, we move Defense
19 Exhibit 8 into evidence.

20 THE COURT: I'm sorry. What's the number?

21 MR. SABBAK: 8.

22 THE COURT: 8?

23 MR. SABBAK: Yes, sir.

24 THE COURT: Any objection to 8?

25 MS. MATZ: Just a small issue if we could have a

1 short side bar.

2 (Whereupon, a bench conference was held between the
3 Court and counsel.)

4 MS. MATZ: Thank you. So this is the video that we
5 need the limiting instruction for so I just wanted to --

6 THE COURT: With the father?

7 MS. MATZ: Yes, your Honor, and the medical thing.

8 THE COURT: Oh, it's in the same video?

9 MS. MATZ: It's in the same video. And one more
10 thing. The other thing that is in this is the translation
11 issue that we discussed yesterday. Ms. Izmaylova told me that
12 they would stipulate to -- we sent a proposed translation last
13 night, and we were told they would stipulate to it. I'd just
14 like to put it on the record formally before the video is
15 shown because that was how -- one of the ways the Court
16 suggested we resolve the issue.

17 THE COURT: Okay.

18 MR. SABBAK: I'm happy to read it.

19 THE COURT: All right.

20 MS. MATZ: Okay.

21 (Whereupon, the following proceedings continued in
22 open court.)

23 THE COURT: All right. Ladies and gentlemen, so
24 there's a couple of limiting instructions that I need to give
25 the Court about -- I mean give the jury about the video that

1 you're about to watch, as well as a stipulation that the
2 parties have reached regarding certain phrases used in the
3 video by the plaintiff that was in Spanish, in other words,
4 providing you with the Spanish interpretation of what was
5 said.

6 Hearsay is legal term, and it is an out-of-court
7 statement offered to prove whatever it asserts. Ordinarily
8 hearsay is not admissible in court to prove the alleged facts
9 contained within it. However, in some instances hearsay may
10 be admitted for another purpose. In this case Ms. Kebe seeks
11 to admit certain out-of-court statements made by third parties
12 in which she claims that she was aware of and relied upon when
13 Ms. Kebe made certain statements about the plaintiff.

14 The Court has admitted the out-of-court statements
15 only for that purpose. That is, that Ms. Kebe allegedly
16 relied on these statements when she said what she said. You
17 should not consider these out-of-court hearsay statements in
18 any other way or for support for any claim that the
19 allegations included within the out-of-court statements are
20 true.

21 Further, in the video there will appear on the screen
22 certain information or text which purportedly defines herpes
23 or the symptoms of herpes. This information is not evidence
24 of what herpes is or what some or all of the symptoms of
25 herpes includes. Rather, it is merely information which

1 Ms. Kebe obtained from some source and which she alleges that
2 she relied upon when she made certain statements about the
3 plaintiff.

4 Counsel, if you would now read the stipulation that
5 the parties have reached about the Spanish words spoken.

6 MR. SABBAK: Your Honor, I have it right here. All
7 right, ladies and gentlemen. The stipulation you will see as
8 Spanish language in the video, this will be the interpretation
9 that both parties have agreed to: They don't have a life.
10 Like, it's just annoying. It's frustrating. Like, it's just,
11 like, everything, my "N" word, everything. They say I had a
12 coldsore. Diablo, damn (laughing). These people are crazy.
13 They say whatever. They say any fucking dumb shit, but I bet
14 they won't take the time to go to YouTube and look up Cardi B
15 videos and see that my shit has always been looking the same
16 forever. I bet they won't go on Google and see that this -- I
17 have a birthmark here all my life and how my lip always been
18 brown around here like a lot of bitches my skin complexion.

19 MS. MATZ: Yes. And then, your Honor, we'd just like
20 to add that to the stipulated facts that are officially part
21 of the record. We'll follow up with a writing.

22 THE COURT: All right. Thank you.

23 MR. SABBAK: Your Honor, I move Defendant's Exhibit
24 34 into evidence or 8, rather, into evidence.

25 THE COURT: So Defendant's Exhibit 8 has been

1 admitted. Thank you.

2 (Whereupon, Defendant's Exhibit 8 was marked for
3 purposes of identification and admitted into evidence.)

4 MR. SABBAK: Thank you, Judge. All right.

5 (Whereupon, a video recording was played.)

6 BY MR. SABBAK:

7 Q Ms. Kebe, in the video that we just watched you referenced
8 another video about the plaintiff putting a beer bottle in her
9 vagina. Do you recall that?

10 A Yes, sir.

11 Q I'm showing you what's been marked as Defendant's Exhibit
12 34. Do you recognize this video?

13 A Yes, sir.

14 Q Without testifying to the contents, how do you recognize
15 the video?

16 A It's a video that I've seen on various porn sites.

17 MR. SABBAK: Your Honor, we move Defense Exhibit 3
18 into evidence -- I'm sorry. 34.

19 THE COURT: 34. Any objection?

20 MS. MATZ: No, your Honor.

21 THE COURT: 34 is admitted.

22 (Whereupon, Defendant's Exhibit 34 was marked for
23 purposes of identification and admitted into evidence.)

24 MR. SABBAK: Thank you.

25 (Whereupon, a video recording was played.)

1 BY MR. SABBAK:

2 Q Ms. Kebe, where did you see that video?

3 A I believe Pornhub at the time.

4 Q Have you seen it anywhere else?

5 A Yes. It's on various top porn sites monetizable.

6 Q Is this video still available on those websites?

7 A Oh, yes, sir.

8 Q What are the title of those videos?

9 A Cardi B Puts Beer Bottle in her Pussy.

10 Q I'm showing you what's been marked as Defendant's Exhibit
11 3 for identification purposes.

12 A Yes, sir.

13 Q Do you recognize this?

14 A Yes, sir.

15 Q Without testifying to the contents, how do you recognize
16 it?

17 A It's a video -- I'm sorry. It's a picture on the internet
18 of Cardi B.

19 Q Ms. Almánzar?

20 A I'm so sorry. Ms. Almánzar.

21 MR. SABBAK: Thank you. Your Honor, we move
22 Defendant's Exhibit 3 into evidence.

23 THE COURT: Any objection?

24 MS. MATZ: I'm sorry, your Honor. Can you give me
25 one moment?

1 (Brief Pause.)

2 MS. MATZ: Yes, your Honor. We do object to this.

3 THE COURT: All right. Side bar, please.

4 (Whereupon, a bench conference was held between the
5 Court and counsel.)

6 THE COURT: Before we even start, what's the purpose
7 of this photograph?

8 MR. SABBAK: It's one of the photographs she relied
9 on as far as cold sores.

10 MS. MATZ: Okay. So when she testified at her
11 deposition, she was unable to authenticate the photo and lay a
12 foundation for it because she couldn't tell whether it had
13 been edited or whether anything else had happened to it. I am
14 going to say this: The version of -- I don't know if this is
15 the same one, but a version of this was introduced as part of
16 one of her posts. And I don't have a problem with her using
17 that, but she was unable to authenticate this at her
18 deposition.

19 THE COURT: Why does she have to authenticate it if
20 she says it's a photo that she saw before she made comments
21 and relied on it? She doesn't have to be right. She just has
22 to say that's what I relied on, and then you certainly can
23 cross-examine her about how does she know that it's your
24 client and make arguments whether or not it was reasonable to
25 rely on it. But, I mean, there is no authentication necessary

1 to say I relied on it. Maybe there is to say it's the
2 plaintiff. And, honestly, that's a decision that's up to the
3 jury to make, you know.

4 MS. MATZ: I hear you. I just -- the way it sounded
5 like he was authenticating it saying -- she's, like, saying
6 this is a photograph of the plaintiff. I don't think that
7 that's how it should be authenticated in this instance because
8 I actually think it misleads the jury. If they want to say
9 that it's a copy of a photo you found and you saw this and
10 relied upon it and you want to let it in for that purpose,
11 then I completely understand that.

12 MR. SABBAK: By saying that's not your client? I
13 don't understand.

14 MS. MATZ: I am saying that I have no idea where the
15 photo came from. I have no idea if it's been edited. I have
16 no idea what your client did to it or where she found it.

17 THE COURT: None of that really matters -- hold on a
18 second. None of that really matters. None of that really
19 matters if she says she relied on it, and it's up to the jury
20 to decide who it is. I mean, honestly, people generally,
21 maybe this case isn't, but you're not generally able to
22 testify as to who's who. That's usually a question that's
23 left up to the jury. It's admissible for the purposes that I
24 outlined it is, if she's going to say she relied on that
25 believing it to be the plaintiff and making the comment that

1 she made it up, herpes.

2 MS. MATZ: I just didn't want it admitted. The way
3 she phrased it, it sounded like she was doing this is a true
4 and correct copy of -- she said this is the plaintiff. I
5 understand the jury is going to see it, the jury is going to
6 decide. I completely hear you. I'm just saying if they want
7 to admit it as something they relied on, authenticate it that
8 way.

9 THE COURT: Well, why don't you follow up with those
10 questions. Okay?

11 MS. MATZ: Thank you, your Honor.

12 (Whereupon, the following proceedings continued in
13 open court.)

14 MR. SABBAK: Thank you, sir.

15 Your Honor, we move Defendant's Exhibit 3 into
16 evidence.

17 THE COURT: Well, so follow up with the questions
18 that we talked about first.

19 MR. SABBAK: I will, sir.

20 Ms. Kebe, when you stated that Ms. Almánzar has cold
21 sores, you relied on certain things?

22 THE WITNESS: Yes, sir.

23 BY MR. SABBAK:

24 Q Okay. I'm showing you what's been marked as Defendant's
25 Exhibit 3.

1 A Yes, sir.

2 Q Do you recognize that?

3 A Yes, sir.

4 Q Is it one of the things you relied on?

5 A Yes, sir, one of them.

6 MR. SABBAK: Okay. Your Honor, we now move
7 Defendant's Exhibit 3 into evidence.

8 THE COURT: Any objection?

9 MS. MATZ: No, your Honor.

10 THE COURT: All right. Defendant's 3 is admitted.

11 MR. SABBAK: Thank you.

12 (Whereupon, Defendant's Exhibit 3 was marked for
13 purposes of identification and admitted into evidence.)

14 BY MR. SABBAK:

15 Q Ms. Kebe, who do you believe this to be a photograph of?

16 A Ms. Almánzar.

17 Q Okay. All right. And if we look closer here, is this
18 what you're referring to?

19 A Yes, sir.

20 Q Are you referring to her birthmark?

21 A No, sir.

22 Q Okay. You're referring to the bumps on --

23 MS. MATZ: Objection, your Honor. He's leading the
24 witness.

25 THE COURT: Overruled in this instance.

1 MR. SABBAK: Thank you.

2 THE COURT: I'm sorry. She's got to answer.

3 MR. SABBAK: I'm sorry?

4 THE COURT: She's got to answer.

5 MR. SABBAK: Oh, she didn't answer? My apologies.

6 THE WITNESS: Can you put the picture back up and
7 repeat the question? I'm sorry.

8 MR. SABBAK: Sure. Madam court reporter, would you
9 mind repeating the question for us.

10 (Whereupon, the record was read.)

11 MR. SABBAK: Thank you, ma'am.

12 Are you referring to the birthmark?

13 THE WITNESS: No, sir.

14 MR. SABBAK: Thank you. Thank you, madam.

15 Did you -- I'm going to show you now what's been
16 premarked as Defendant's Exhibit 68. Ms. Kebe, without
17 testifying to the contents, do you recognize this?

18 THE WITNESS: Yes, sir.

19 BY MR. SABBAK:

20 Q Okay. Is this something that you relied on?

21 A Yes, sir.

22 Q Okay. Did you rely on it when you reported about
23 Ms. Almánzar's cold sores?

24 A Yes, sir. This was a viral photo.

25 MR. SABBAK: Your Honor, we now move Defendant's

1 Exhibit 68 into evidence.

2 THE COURT: Any objection to 68?

3 MS. MATZ: Yes, your Honor.

4 THE COURT: I'm sorry. Yes?

5 MS. MATZ: Yes, your Honor.

6 THE COURT: All right. Y'all can approach, please.

7 (Whereupon, a bench conference was held between the
8 Court and counsel.)

9 THE COURT: Thank you.

10 MS. MATZ: This isn't even a photograph of the
11 plaintiff.

12 THE COURT: She said she relied on it. We haven't --
13 I mean, I guess the argument is going to be that because she
14 believed that the plaintiff's husband had cold sores, then it
15 fit into her mind that the plaintiff would have cold sores too
16 if they're engaged sexually or otherwise. So it's their
17 argument.

18 MS. MATZ: All right.

19 (Whereupon, the following proceedings continued in
20 open court.)

21 THE COURT: All right. 68?

22 MR. SABBAK: 68, your Honor.

23 THE COURT: 68 is admitted over the objection of the
24 plaintiff.

25 MR. SABBAK: Thank you, your Honor.

1 (Whereupon, Defendant's Exhibit 68 was marked for
2 purposes of identification and admitted into evidence.)

3 BY MR. SABBAK:

4 Q All right. Ms. Kebe, who is this?

5 A This is Mrs. Almánzar's husband, Kiari Cephus.

6 Q What is his professional name?

7 A Offset.

8 Q Okay. And is this also another photo that you relied on?

9 A Yes, sir.

10 Q And what about this photo did you rely on?

11 A The visible sores. I know it's kind of blurry but the
12 sores on his lips.

13 Q Now, were you the first person to say anything about
14 Ms. Almánzar's cold sores?

15 A Absolutely not.

16 Q Where did you hear that before?

17 A Well, after the Starmarie interview, before I did my
18 receipts video when I said actual proof that Cardi B knew her
19 ex-roommate, I did some extensive research on where the herpes
20 allegations came from because I was like, you know, of course,
21 those photos were on the internet, of course, and that's what
22 Azealia Banks relied on.

23 But since 2015, there have been tons of tweets with
24 hashtag Cardi B, hashtag herpes. 2017 Love & Hip Hop star,
25 Joseline Hernandez, she was a Love & Hip Hop star of Atlanta;

1 Cardi B was with the New York franchise. Joseline Hernandez
2 was jealous of Cardi B's fame and made a diss track and the
3 actual -- one of the lines in the diss track said why don't
4 you, like, worry about your herpe bumpy mouth or bloody mouth
5 or something like that. And so it was really viral because
6 two Love & Hip Hop franchises are going at it. Cardi B
7 actually responds. Joseline does a press run about it.
8 Azealia Banks was next. And so this been following her pretty
9 much her whole career.

10 So when Starmarie came out, you know, with her, you
11 know, account of dealing and living and working with Cardi B,
12 she did mention visible cold sores on the mouth. There have
13 been pictures, and so I just kind of compiled everything
14 before I made that video. But I didn't focus on the herpes
15 because, I mean, it's herpes. It's not a big deal to me so,
16 you know, but -- I'm sorry. Did I answer the question? I
17 don't want to ramble. I'm so sorry.

18 Q You didn't. To your knowledge, do you know if
19 Ms. Almánzar has ever sued Joseline Hernandez?

20 A Oh, no, no. No, sir.

21 Q Has she ever sued Azealia Banks?

22 A No, sir.

23 Q Any of the social media users that make comments?

24 A No, sir.

25 Q Ms. Kebe, I'm going to show you what's already been

1 admitted into evidence as Plaintiff's Exhibit 592, and I just
2 want to play a portion starting at what's 1 hour 16 minutes --

3 A I think the jury can see it.

4 Q It's already in evidence.

5 A I'm so sorry. Okay.

6 MR. SABBAK: I intend to play this from 16 minutes to
7 about 1 minute -- 1 hour 16 minutes 29 seconds, so about 29
8 seconds of this.

9 (Whereupon, a video recording was played.)

10 BY MR. SABBAK:

11 Q Did you report that as fact?

12 A Absolutely not.

13 Q And how long was that video?

14 A This video is, I believe, almost like an hour and a half,
15 if I'm not mistaken.

16 Q Do you mention HPV anywhere else in that video?

17 A No, sir.

18 Q Have you mentioned HPV and Ms. Almánzar in any other
19 video?

20 A No, sir.

21 Q And was this video before or after the lawsuit?

22 A This was after the lawsuit.

23 Q Last week Ms. Matz was questioning you. She played a
24 video with you wearing a red shirt. Do you recall the video?

25 A Yes, sir.

1 Q And do you recall the date of that video?

2 A I think it was towards the end of 2020, probably shortly
3 after this video here, the end of 2020, if I'm not mistaken.
4 I don't know the exact date.

5 Q And at that point you released the video, about how long
6 had this lawsuit been pending?

7 A Almost a year and a half -- I'm sorry. Give me a second
8 (coughing) Almost a year and a half, two years. Sorry. It
9 went down the wrong pipe. Give me a second.

10 (Brief Pause.)

11 THE WITNESS: Okay.

12 BY MR. SABBAK:

13 Q Ms. Kebe, how would you describe your mood at the time you
14 made that video?

15 A I was extremely angry, frustrated, and fed up with
16 everything.

17 Q Why?

18 A I mean, Ms. Almánzar and I had been going back and forth
19 for about three years. Of course, the lawsuit was filed in
20 2019, and over the course of the lawsuit, you know, our
21 lawyers are going back and forth with evidence and things like
22 that. And her and I had been going back and forth on social
23 media heavy the entire time. And so she's calling me names;
24 I'm calling her names.

25 And so, you know, after, you know, she said something

1 on her Twitter and Instagram, she was in my comments, I just
2 said, you know what, after everything that I found out
3 regarding this conspiracy lawsuit, I just said, you know what,
4 that's it. And so I just made a video and I just -- I went in
5 on her. I just dragged her.

6 Q Is that video still available for the public?

7 A No. I took that down a few hours after I made it.

8 Q Did you take it down because it was defamatory?

9 A Oh, no. It wasn't defamatory at all.

10 Q Why did you take it down?

11 A I just wasn't proud of my actions. That's not how I am as
12 a person. I don't like to be -- I don't like to get angry
13 like that and take it to the internet, so I took it down.

14 Q Ms. Kebe, approximately how many followers do you have on
15 Instagram?

16 A Almost 300,000.

17 Q What about Twitter?

18 A Around like 35-, 36,000.

19 Q And YouTube?

20 A Over 1 million.

21 Q Why did you call plaintiff a prostitute?

22 A Ms. Almánzar has made various videos over the course of
23 her career bragging about being a prostitute and having
24 tricks.

25 Q When you said the plaintiff used to be a prostitute, did

1 you believe that to be a true statement?

2 A Absolutely, yes.

3 Q Why did you say plaintiff was a drug user?

4 A She's -- one thing that really stood out about the drug
5 use -- of course, I can never confirm, you know, all the
6 drugs. But a Rolling Stone article came out at the beginning
7 of her career when *Bodak Yellow* went viral, and so Rolling
8 Stone corresponded, followed her for a day. And so this was
9 the same article that I talked about earlier in my testimony
10 about her talking about her yeast infection and that her
11 vagina was screaming like a raging taco.

12 She also talked about molly, and she told the writer
13 and the writer quoted her, I used molly to boost my confidence
14 to strip. So that was part of the research that I did to back
15 up Starmarie's story because Starmarie did mention molly and
16 cocaine, but I could confirm the molly.

17 Q When you said plaintiff was a drug user, did you believe
18 that was a true statement?

19 A Yes. She has videos where she's bragged about popping,
20 you know, whatever she gotta pop to make her feel good. She
21 calls it a little something, something. So there's a lot of
22 content out there with her talking about it.

23 Q Why did you say plaintiff has cold sores?

24 A I mean, of course, the pictures. This has been something
25 that people have been using or saying since the beginning and

1 the rise of her career at Love & Hip Hop. You know, the cold
2 sores are, you know, are visible. They've been viral on every
3 media news site so, yeah, I didn't think -- I mean, if it
4 wasn't true for me, I would have deaded it at the beginning,
5 you know.

6 Q When you said plaintiff has cold sores, did you believe
7 that was a true statement?

8 A Yes, sir.

9 Q Why do you believe plaintiff put a beer bottle up her
10 vagina?

11 A I mean, strippers, that's what they do. They do things,
12 you know. It was -- I saw the video. The video was -- it's
13 all over the internet -- you can Google it -- and big porn
14 sites. They monetize these videos, so users get paid or they
15 pay users when they upload these videos. And so the title
16 reads "Cardi B Puts Beer Bottle in her Vagina." And so it's
17 something that I had seen, and it's crossed my desk but, you
18 know.

19 Q Okay.

20 A And it looks just like her.

21 Q So when you said that plaintiff put a beer bottle in her
22 vagina, did you believe that to be a true statement?

23 A Absolutely, yes, sir.

24 Q When you stated that plaintiff had HPV, did you state that
25 as a fact?

1 A Oh, no.

2 Q Did you build your YouTube channel for the purpose of
3 harassing Ms. Almánzar?

4 A Absolutely not.

5 Q Since September 19th, 2018, have you been engaged in a
6 malicious campaign to defame Ms. Almánzar?

7 A Absolutely not.

8 Q Have you ever made up any stories about Ms. Almánzar?

9 A No, sir.

10 Q So tell us, what is the main source of all your
11 information regarding Ms. Almánzar?

12 A Her mouth, honestly.

13 MR. SABBAK: No further questions.

14 THE COURT: All right. Any cross-examination?

15 MS. MATZ: Yes, your Honor. Is there any chance we
16 can take a quick comfort break?

17 THE COURT: We'll go ahead and take an afternoon
18 break, a 10-minute break, and we'll see y'all as soon as
19 you're ready.

20 MS. MATZ: Thank you, your Honor.

21 COURTROOM SECURITY OFFICER: All rise.

22 (Whereupon, the jurors exited the courtroom.)

23 THE COURT: All right. See y'all in 10 minutes.

24 MS. MATZ: Thank you.

25 (Brief recess.)

1 COURTROOM SECURITY OFFICER: All rise. This
2 honorable court is again in session.

3 THE COURT: Thank you. Ms. Matz, you're ready?

4 MS. MATZ: Yes, your Honor. Do I need to change this
5 bag?

6 THE COURT: I'm sorry? So we don't change the bags
7 for the lawyers. We do for the witnesses because they often
8 have to get their faces real close to them. If you want us
9 to, we can.

10 MS. MATZ: Would you mind if I just did it?

11 THE COURT: Sure. Just go ahead. We've had trials
12 where it was changed out every time somebody came up.

13 COURTROOM SECURITY OFFICER: All rise.

14 (Whereupon, the jurors entered the courtroom.)

15 COURTROOM SECURITY OFFICER: Please be seated and
16 come to order.

17 THE COURT: All right. You can proceed.

18 MS. MATZ: May I inquire, your Honor?

19 THE COURT: Yes.

20 MS. MATZ: Thank you.

21 FURTHER CROSS-EXAMINATION

22 BY MS. MATZ:

23 Q Good afternoon, Ms. Kebe.

24 A Good afternoon.

25 Q When you were testifying earlier this week, I believe you

1 testified that the spike in your viewership in September of
2 2018 was due to the R. Kelly videos. Do you recall giving
3 that testimony?

4 A Yes, ma'am.

5 MS. MATZ: Okay. Can we please pull up Plaintiff's
6 834, which was previously admitted into evidence.

7 And this is the document you were looking at when you
8 were giving that testimony; correct?

9 THE WITNESS: I believe so, yes, ma'am.

10 BY MS. MATZ:

11 Q And where did this document come from?

12 A Either my website or YouTube.

13 Q Okay. Either your website or YouTube meaning you're not
14 actually familiar with the source of this document?

15 A I'm familiar. Both YouTube and my website, they look
16 exactly the same.

17 Q I'm asking you if you're familiar with the source of this
18 document.

19 A Yes, it's most likely my website.

20 Q Most likely?

21 A Yes, ma'am.

22 Q Okay. And do you -- are you heavily involved with
23 tracking the analytics and the financials of the
24 unWinewithTashaK platform?

25 A No, ma'am.

1 Q That's your husband's part of the job; right?

2 A Yes, ma'am.

3 Q Okay. And so you also gave some testimony about what
4 caused the spike in viewership, I believe, when we were
5 looking at a post. Was that testimony based upon your own
6 review of analytics?

7 A Yes, ma'am.

8 Q Okay. So you actually reviewed those analytics?

9 A Yes. That was a pretty big few months for us, yes, ma'am.

10 Q All right. And if we could please pull up Plaintiff's
11 813. You also recall giving testimony that the Starmarie
12 Jones interview -- well, I believe you said it had almost 5
13 million views or more; is that correct?

14 A I believe it's like under 5 million.

15 Q You don't recall testifying when I originally asked you
16 questions during your direct examination that it was more than
17 5 million?

18 A Probably. I mean, it fluctuates daily, so it goes up.

19 Q It fluctuates daily, so it goes up. But it couldn't go
20 down; right?

21 A No. That's impossible.

22 Q So you're kind of speculating right now; correct?

23 A No, ma'am.

24 Q Well, you said over 5 million when I first questioned you,
25 but now you're saying it might be under 5 million. So which

1 is it?

2 A It was a give or take. I don't have the exact number in
3 front of me.

4 Q Okay. So you don't recall the exact number now, but you
5 did a day or two ago?

6 A No, ma'am. They probably have gone up by now, the cases
7 causing it to spike.

8 Q Okay. Just a minute ago you just said it might be under 5
9 million, but when I asked you last week, you said it was over
10 5 million. So how is that a spike?

11 A Because the case is trending. Cardi B's name is
12 everywhere, so if her name is searchable, everybody is
13 watching the interview. So it's going up. I can't tell you
14 the number now, but we can google it.

15 Q But it wouldn't go down is my point; correct?

16 A No. Absolutely not.

17 Q Okay. Thank you. All right. And in Plaintiff's 813
18 we're looking at, at the time this was provided, which was
19 during discovery, do you remember that?

20 THE COURT: Hold on a second. Do you need to do
21 something?

22 COURT REPORTER: Yes.

23 THE COURT: All right. Let's just pause for a
24 moment.

25 MS. MATZ: Sure. No problem, your Honor.

1 (Brief Pause.)

2 THE COURT: All right. You can proceed.

3 BY MS. MATZ:

4 Q Okay. You've seen this document before; correct?

5 A Yes, ma'am.

6 Q Okay. And this is a list of videos published on your
7 YouTube account with the number of views in the column all the
8 way to the left? Do you see that?

9 A Yes, ma'am.

10 Q Okay. And at the time that this list was produced during
11 discovery, the top video on this list, the Exclusive: Cardi
12 B's Ex-Friend Alleges Cardi B Kept a Huge Box filled with
13 Monistat and Reveals More, that's the Starmarie Jones video;
14 correct?

15 A Yes, ma'am.

16 Q Okay. And at the time that this was produced, it had over
17 4.2 million views; is that correct?

18 A That is correct.

19 Q And is it your understanding that this list is organized
20 in a fashion so that, at least at the time that this was
21 published, the videos with the most views are at the top?

22 A Yes, ma'am.

23 Q Okay. So at the time that this was produced, during this
24 lawsuit, this -- the Starmarie Jones video was the top viewed
25 video on your YouTube channel; correct?

1 A That is correct.

2 Q And yet it is still your testimony that the spike in
3 views, in subscribers and views, between August and September
4 and October of 2019, you're saying that was all R. Kelly?

5 A Yes, ma'am. I actually lost around --

6 Q Thank you.

7 A -- 13,000 followers --

8 Q It was a yes or no question, ma'am.

9 A -- from the Cardi B interview.

10 THE COURT: She did say yes, but she was giving her
11 explanation. So go ahead with your explanation.

12 THE WITNESS: Thank you, your Honor.

13 So right around the time when I published the
14 Starmarie interview and the R. Kelly videos, of course you can
15 see the various dates, they were going viral because *Surviving*
16 *R. Kelly* came out. I actually lost around 13,000 subscribers
17 from the interview because of the controversy of it. But in
18 January, as the R. Kelly videos rolled, I gained about
19 anywhere from 20- to 60,000 per se over the course of the
20 months.

21 BY MS. MATZ:

22 Q Okay. So you're saying that this video had nothing to do
23 with it. That's your testimony?

24 A I mean, I'm sure it had some, you know, spike but not
25 much. I mean, it really did drastic damage on my channel.

1 Q So when I asked you if it was your testimony that it was
2 solely due to the R. Kelly video and you said yes, that wasn't
3 true; correct?

4 A You asked me -- your question was, was it just R. Kelly or
5 Cardi B. It was a collective. So around that time, from
6 August to January, the *Surviving R. Kelly* videos caused a
7 spike. Of course, that interview with me and Cardi B going
8 back and forth became viral, but that one video really did
9 nothing for my channel.

10 Q Okay. All right. You also testified about a video that
11 you did. I believe you said you were defending my client for
12 taking a part in a prior acting job. Do you recall giving
13 testimony about that?

14 A Yes, ma'am.

15 Q Okay. And in that video when you said you were defending
16 my client, you also said she prostituted for a living;
17 correct?

18 A That is correct.

19 Q All right. Let's talk about the Starmarie Jones video
20 interview for a moment. Being familiar with the analytics
21 from your YouTube channel, do you know how long most people
22 watch your videos?

23 A It's different for every video. That's hard to say.

24 Q But is it generally true that more people watch the
25 beginning of videos and fewer people finish the full length of

1 longer videos?

2 A Yeah. That's, of course, for everything, yes, ma'am,
3 every video.

4 Q That's generally true on YouTube probably in general;
5 correct?

6 A Movies as well.

7 Q Okay. So it -- actually, withdrawn. Let me ask you
8 another question. All right. Now, you have given some
9 testimony today about your interview with Starmarie Jones.
10 And is it your testimony that you believe she was credible?

11 A Yes, ma'am.

12 Q All right. Let's look at the video for a moment. We can
13 pull it up. I believe it's D-5.

14 This was moved in, I believe. Did you move this in?

15 MR. SABBAK: Of course we did.

16 MS. MATZ: Yeah. All right. If you can, just play
17 the first maybe 30 seconds of it. We're not going to rewatch
18 the whole thing.

19 (Whereupon, a video recording was played.)

20 BY MS. MATZ:

21 Q Please pause there for a moment. All right. You've
22 previously admitted under oath that the reason you asked those
23 three questions first is because those are the things that
24 Starmarie had stated in her prior interview that went viral?

25 A It wasn't an interview. It was a live stream of hers that

1 went viral.

2 Q But you did testify that you asked those three things
3 first because that's what she stated that went viral?

4 A That's correct.

5 Q Okay. And in the video, in this interview Ms. Jones gave
6 multiple statements about her criminal history; correct?

7 A That is correct.

8 Q She said that during the time she was claiming that she
9 was living with Cardi B, she was going to Georgia to check in
10 with her probation officer?

11 A That is correct.

12 Q You also heard her tell you that she couldn't pass a
13 background check?

14 A That is correct.

15 Q And that's because she had criminal felony convictions?

16 A I'm not sure of the conviction. I just know that she had
17 some stuff in process.

18 Q But you described it in your deposition as quite the
19 criminal past; correct?

20 A It was one incident, I believe.

21 Q I asked you if that's how you described it in your
22 deposition.

23 A May I see my deposition, please?

24 Q Sure. All right. You should have it up there.

25 A Oh. Hold on. So which day?

1 Q The 11-19 deposition.

2 A Okay. What page?

3 Q Page 200.

4 A 200 and what line?

5 Q Actually, I think it's on the next page. Hold on one
6 moment. All right. Page 201, line 9, she told me she had
7 quite a criminal past so yeah. All right. So she told you
8 she had quite a criminal past? Answer, yes. Is that the
9 testimony you gave?

10 A Yes, ma'am.

11 Q All right. You also heard Starmarie tell you that she
12 allegedly lied to the owner of the strip club and told him
13 that Cardi was her cousin; right?

14 A That is correct.

15 Q All right. You also recall saying in the interview that,
16 when you were talking about the herpes allegation, saying that
17 it was quite a serious allegation?

18 A Yes, ma'am.

19 Q Okay. So you understood at the time that it was serious?

20 A Yes, ma'am.

21 Q All right. You also recall Ms. Jones saying that she was
22 mandated to the state of Georgia, and she was in New York
23 illegally?

24 A Yes, ma'am.

25 Q At one point during the video also you talked about

1 getting receipts from someone named Ebony. Do you recall
2 that?

3 A Yes, ma'am. I believe Starmarie said that.

4 Q Right. Starmarie was talking about wanting to be able to
5 give you proof for certain other things she was saying; right?

6 A I believe so.

7 Q Because she hadn't actually provided you with any
8 corroborative documents to substantiate what she was saying in
9 the interview; correct?

10 A She showed me Instagram comments between her and the
11 strippers as well as her and Cardi B's current make-up artist
12 at the time.

13 Q And did you keep those?

14 A Yes, ma'am. They're in the receipts video.

15 Q So Starmarie showed you those or you had those
16 conversations with the strippers?

17 A I don't understand your question.

18 Q Well, you just said that Starmarie showed you both
19 Instagram comments and conversations with the people you
20 referred to as strippers.

21 A Correct --

22 Q But in the video --

23 A -- and make-up artist.

24 Q And the make-up -- Shawn Taloran; correct?

25 A Yes.

1 Q And I asked you if you kept them.

2 A Yes, ma'am.

3 Q Okay. And so when we were looking at -- and we'll get
4 there in a minute. But when we were looking at your video
5 where you showed conversations with Shawn Taloran, are those
6 Starmarie's conversations with Shawn Taloran or yours?

7 A Those are mine.

8 Q Okay. So there were separate documents that you're now
9 saying that Starmarie showed you?

10 A They weren't documents. They were messages on her phone
11 between her and those girls.

12 Q But I asked you if you kept them, and you said yes.

13 A No, I kept the receipts. That's why I asked you to repeat
14 your question.

15 Q So she showed you messages that you didn't keep?

16 A No, ma'am. She showed me messages in order to solidify
17 the interview that there was some sort of connection between
18 her and Cardi B.

19 Q All right. But during your deposition when I asked you if
20 Jones actually showed you any documents or anything that --
21 anything that corroborated her story, you said no.

22 A I think I took that question as documents because you just
23 used it here.

24 Q I said documents or anything that corroborated her story.

25 A Was this on the first day of the deposition or the second

1 day?

2 Q I'm asking you if that's the testimony you gave.

3 A Okay. And I'm trying to corroborate the testimony. So
4 which day was this testimony given?

5 THE COURT: I'll tell you what, just go to the point
6 in the transcript, if you would, where it was discussed.

7 MS. MATZ: Sure. Let's look at the November 19th
8 deposition, line 203, 13.

9 THE WITNESS: Okay.

10 BY MS. MATZ:

11 Q All right. So at the deposition I asked you -- we'll look
12 at the video in a minute. Did Ms. Jones actually show you any
13 documents or anything that corroborated her story? Answer,
14 no, not that I can recall, no, she didn't. Is that the
15 testimony you gave?

16 A Yes, ma'am.

17 Q And when I asked you on the first day -- I questioned you
18 here -- do you also recall that I asked you and you also
19 admitted that Ms. Jones, Starmarie Jones, did not actually
20 show you any documents or anything that corroborated her
21 story; correct? And you said, yes, ma'am.

22 A Okay. I took that as --

23 Q Do you recall giving that testimony?

24 A Yes, ma'am, I do.

25 Q Okay. So now you're changing your story; is that correct?

1 A I'm not changing my story. I misunderstood your question.

2 Q Okay. So when I asked you if you had anything that
3 corroborated it, you didn't understand that. That's your
4 testimony now?

5 A Yes, ma'am. I was very -- we were very combative on this
6 day. You remember? It was a very hard day for both of us.
7 So your questions were coming, and I'm talking about coming
8 fast, sort of like how you're doing here so --

9 MS. MATZ: Your Honor, move to strike.

10 THE COURT: Any response to that? No response. So
11 the witness's last statements will be stricken from the
12 record. And ask your question again, please.

13 BY MS. MATZ:

14 Q My question is, so you are now changing the testimony you
15 gave at both your deposition and the first day of this trial;
16 correct?

17 A No, ma'am.

18 Q Except now you are saying that you did look at other
19 things that you didn't testify to?

20 A Yes, ma'am.

21 MR. SABBAK: Objection, your Honor. Asked and
22 answered.

23 THE COURT: Overruled.

24 BY MS. MATZ:

25 Q Which is a change to the prior answer; correct?

1 A I mean --

2 Q Yes or no, ma'am?

3 A Can you repeat the question?

4 Q I'd like to know --

5 THE COURT: Is your answer today in court different
6 than the answer you gave, either or both, at your deposition
7 or earlier in this trial?

8 THE WITNESS: Yes, sir. Yes, ma'am.

9 BY MS. MATZ:

10 Q All right. So when we were talking about the receipts
11 that Ms. Jones was talking about in the interview from Ebony,
12 you understood that Ms. Jones was telling you she thought that
13 there might be additional documents that she couldn't get;
14 correct?

15 A Yes, ma'am.

16 Q If we could go to -- and we're still on Defendant's 5. If
17 we could go to line 26, 18. I'm sorry. Not line. Minute 26
18 and 18 seconds. All right. We can just look at that -- at
19 this for a moment. You don't have to play it. You can just
20 leave it up on the screen.

21 Do you recall this airing in the middle of the video?

22 A Yes, ma'am.

23 Q And it aired again towards the end; is that right?

24 A Yes, ma'am.

25 Q And this is -- the reason you put this in the video is to

1 make sure that people who are watching it know how to follow
2 you on both YouTube and Instagram, Facebook, and Twitter;
3 correct?

4 A Yes, ma'am.

5 Q Okay. And at the bottom it says subscribe to the channel;
6 right?

7 A Yes, ma'am.

8 Q Okay. If we can actually watch for a moment. So you do
9 this to encourage people to up subscribership?

10 A Yes, ma'am.

11 Q And so, as we just looked at, the chart of subscribership,
12 the 4.2 million people who had seen this as of this date would
13 have seen your plug to subscribe to your channel; correct?

14 A Yes, ma'am.

15 Q Okay.

16 (Whereupon, an audio recording was played.)

17 BY MS. MATZ:

18 Q Okay. Can you pause. Okay. And these are both email
19 addresses associated with your unWinewithTashaK platform;
20 correct?

21 A Yes, ma'am.

22 Q And the first one here -- it says forward tips and stories
23 to unwinewithtashak@gmail.com -- you put that here to solicit
24 people to send you information; right?

25 A Yes, ma'am.

1 Q And the second one is for people who want to advertise
2 with you; right?

3 A Yes, ma'am.

4 Q All right. Do you recall also during the video there
5 being a discussion about -- by my client responding she looks
6 guilty? Do you recall that?

7 A No, ma'am. Can you replay it for me?

8 Q Sure.

9 A Thank you.

10 Q Could we just go to 29:23.

11 (Whereupon, a video recording was played.)

12 BY MS. MATZ:

13 Q All right. Pause here. Do you recall this discussion?

14 A Yes, ma'am.

15 Q Okay. And do you share Ms. Jones's view that by
16 responding and saying this isn't true, that somehow makes my
17 client look guilty?

18 A Yes, ma'am.

19 Q Okay. So it's your view that if people say untrue things
20 about my client, she should just keep her mouth shut?

21 A Sometimes, yes, ma'am.

22 Q And by voicing that they're not true, that somehow makes
23 her look guilty. That's what you believe?

24 A Yes, ma'am.

25 Q At the time this video was published, not when it was

1 recorded, but at the time it was published, had you already
2 had the conversations with Ash Cash Legit and Spotlight and
3 Shawn Taloran that we looked at in a following video?

4 A No, ma'am.

5 Q So you had those conversations afterwards?

6 A Yes, ma'am.

7 Q All right. So at the time you hadn't actually spoken to
8 any of the people that you were saying you later spoke with
9 about Ms. Jones and my client working together; correct?

10 A I believe so, yes, ma'am.

11 Q All right. In this interview there was also a discussion
12 where Ms. Jones said that Offset also had a herpes blister.
13 Do you recall hearing that?

14 A Yes, ma'am.

15 Q Is that what prompted you to go looking on the internet
16 for photos?

17 A I'm sorry?

18 Q Is that what prompted you to go looking on the internet
19 for the photos that we looked at earlier?

20 A Of Offset?

21 Q Yes.

22 A Oh. No, ma'am.

23 Q You looked at those before?

24 A No, ma'am.

25 Q You looked at those after this video was published?

1 A Yes, ma'am.

2 Q All right. You also recall that Ms. Jones in this video
3 told you on a couple of different occasions that she was
4 saying that my client, Cardi, told people at this club that
5 she had herpes. Do you recall that?

6 A Yes, ma'am.

7 Q And she characterized that allegation as trying to kill
8 her career. Do you recall that?

9 A Yes, ma'am.

10 Q Okay. So when you published this video with her
11 statements in it, you understood that she at least thought
12 that those would be damaging to someone; correct?

13 A I'm sorry. Can you repeat your question.

14 Q Sure. I said when you published this video with those
15 statements in it, you understood that she believed that such
16 allegations would be damaging to someone; correct?

17 A I can't speak for her.

18 Q You can't speak for her on this?

19 A No, that's -- because we didn't talk about that.

20 Q She didn't say to you that Cardi by -- allegedly saying
21 that was trying to kill her career?

22 A At the time. We're talking about something that happened
23 years prior, around 2010.

24 Q So at least at the time when she was working then, you
25 think that she believed it would have been damaging?

1 A I can't speak on that. I wasn't working in that club at
2 the time. That was around 2010. We recorded this interview
3 in 2018.

4 Q Okay. So you can't speak to her state of mind about the
5 time period in question?

6 A No, ma'am.

7 MR. SABBAK: Objection. Speculation, your Honor.

8 THE COURT: Well, I don't think it's speculation as
9 to whether or not the witness can answer a question about
10 whether she could speak to someone's state of mind. I think
11 if she tried to do that, the objection would probably fit.
12 Also, the question has been answered.

13 MS. MATZ: Thank you.

14 Okay. You also heard Ms. Jones talk about, towards
15 the end of the interview, how she had recently reached out to
16 my client; correct? At the time this was recorded, of course.

17 THE WITNESS: I don't believe it was recently. She
18 said when Cardi B had first became, like, famous, like on Love
19 & Hip Hop. So that wasn't recent.

20 BY MS. MATZ:

21 Q Okay. But she had reached out to my client at that time,
22 the time my client was starting to become famous?

23 A Yes, ma'am, she said that.

24 Q And my client -- she said my client didn't get back to
25 her; right?

1 A I believe she said, if I'm not mistaken, that she was on a
2 live stream, Cardi B's live stream, and said, hey, Caramel, or
3 something like that. And then Cardi B then brought up someone
4 that they mutually knew and started to diss her then.

5 Q All right. And at least -- why don't we go to the section
6 of the interview. Let's go to a minute 40.

7 (Whereupon, a video recording was played.)

8 MS. MATZ: A minute 40.

9 (Whereupon, a video recording was played.)

10 BY MS. MATZ:

11 Q All right. We can stop there. Okay. So after she said
12 that Cardi went live with someone else, she was like fuck
13 this. You heard that; right?

14 A Yes, ma'am. We heard it.

15 Q Yeah, indicating that she was unhappy with that; correct?

16 A Yes, ma'am.

17 Q All right.

18 A Okay. Sorry.

19 Q All right. So you hadn't looked at the photos that we
20 looked at, that your counsel showed you earlier of my client
21 or Offset, before you published this video; correct?

22 A I believe I looked at Cardi B's photo. That photo was
23 out. But Offset, that came out much, much later.

24 Q Well, when did it come out?

25 A I'm not sure. It was after the interview, though. I

1 can't give you a date. I mean, it's on the post because it
2 was an Instagram post, so we can put it up.

3 Q And you believe you looked at the Cardi -- at the photo
4 that you're saying is of my client before?

5 A Yes, ma'am. That photo is pretty viral.

6 Q I asked -- are you sure whether you looked at it or not?

7 A Yes, ma'am.

8 Q So you're sure now that you looked at it before this?

9 A I can't -- I mean, that's kind of hard but the -- as far
10 as the songs and people commenting --

11 Q I'm not asking you about the songs. I'm asking about the
12 photo.

13 A The photo I can't say for sure, but they are on the
14 internet, yes, ma'am.

15 Q I'm asking if you saw them. I'd appreciate it if you'd
16 answer my question.

17 A Yes, ma'am. I've seen those photos before.

18 Q I'm asking if you saw them before the interview, and I
19 understand your testimony to be you're not sure.

20 A I can't say for sure.

21 Q All right. So after this interview was published, is that
22 when you're saying you reached out to certain people that my
23 client used to work with?

24 A Yes, ma'am.

25 Q Okay. And so after this interview was published, that's

1 when you're saying that you took a comment off the internet
2 from Ash Cash Legit; is that correct?

3 A Yes, ma'am. I believe that was in Starmarie's comment
4 section.

5 Q You believe it was in Starmarie's comment section?

6 A If I'm not mistaken, yes, ma'am.

7 Q Okay. And after that is also when you're saying you had
8 direct messages, DMs, with Spotlight and Shawn Taloran; is
9 that correct?

10 A That is correct.

11 Q All right. And were those the basis of the next video
12 that you made talking about this subject?

13 A That plus more but, yes, ma'am.

14 Q All right. And in the next video you came out and said
15 that everything that you had said in this interview was
16 accurate; correct?

17 A That is correct.

18 Q Even though none of those individuals confirmed any of the
19 statements regarding herpes or prostitution or cocaine use by
20 my client; correct?

21 A That is correct.

22 Q All right. And earlier when your attorney was questioning
23 you, I believe that you talked about getting DMs from the
24 Winos saying Tasha was reaching out to you?

25 A I'm sorry. Can you repeat that question?

1 Q Yeah. I'm sorry. You know what, I'm sorry. Let's look
2 at this video for a moment.

3 A Okay.

4 MS. MATZ: I'm sorry. Let's go to the next video,
5 which is D-11. Hold on. I'm sorry, your Honor. One moment.
6 I just want to make sure this is the right exhibit.

7 (Brief Pause.)

8 MS. MATZ: All right. We're actually going to start
9 at 5:13. We'll come back to that when I get the time code.

10 (Whereupon, a video recording was played.)

11 BY MS. MATZ:

12 Q All right. Let's pause this for a minute. Okay. So on
13 the screen here, is this a receipt that, or what you call a
14 receipt, that you saved confirming some portion of Starmarie's
15 criminal history?

16 A Yes, ma'am.

17 Q Okay. And you felt that that was an important receipt to
18 have?

19 A Yes, ma'am, to prove that she was on probation.

20 Q All right. And do you save these receipts anywhere?

21 A I'm sorry?

22 Q Do you save these what you call receipts anywhere?

23 A To my desktop, but then they get deleted. They used to
24 get deleted. Now we save everything.

25 Q Okay. And some of the other receipts or documents that

1 you were referring to earlier when you were talking about lots
2 of people on the internet commenting about my client, did you
3 keep any of those?

4 A I'm sorry. Say that again.

5 Q Yeah. Earlier when you were talking about there being
6 lots of documents on the internet where other people have said
7 my client had cold sores, did you keep all of those?

8 A Oh, yes, ma'am.

9 Q You kept all of those?

10 A Yes, ma'am.

11 Q And you produced them in discovery in this case?

12 A No, ma'am.

13 Q No, you didn't produce them in discovery in this case?

14 MR. SABBAK: Your Honor, I object. Can we have a
15 side bar?

16 THE COURT: I'm sorry. What's your objection?

17 MR. SABBAK: It's impermissible. Can we have a side
18 bar?

19 THE COURT: Sure.

20 (Whereupon, a bench conference was held between the
21 Court and counsel.)

22 THE COURT: What's impermissible?

23 MR. SABBAK: I believe the question is why didn't you
24 provide hearsay statements. That's all hearsay. Why would we
25 provide that?

1 THE COURT: Because the discovery standard is that
2 you produce evidence which will lead to discovery of
3 admissible evidence not that --

4 MS. MATZ: Everything else you've produced in this
5 case is hearsay. Are you telling me you didn't understand --

6 MR. SABBAK: These are comments.

7 MS. MATZ: I'm sorry. What?

8 MR. SABBAK: Their comments are throughout the -- all
9 the discovery is like 2,000 exhibits. There's comments
10 throughout.

11 THE COURT: The comments are what?

12 MR. SABBAK: There are comments about that throughout
13 the whole thing.

14 THE COURT: The point is your objection is she
15 asked -- Ms. Matz asked why didn't you produce the documents,
16 and you objected and said it's impermissible.

17 MR. SABBAK: Right.

18 THE COURT: And it's impermissible why? She didn't
19 ask her what the comments were. That's what the hearsay would
20 be.

21 MR. SABBAK: Withdrawn.

22 THE COURT: Okay. Do it on the record.

23 MR. SABBAK: Sure.

24 (Whereupon, the following proceedings continued in
25 open court.)

1 THE COURT: All right. So an objection was lodged to
2 the question by defense counsel. The objection has been
3 withdrawn.

4 MS. MATZ: Was the question answered?

5 THE COURT: And the question was. You produced them?
6 Referring to these documents or receipts in discovery in the
7 case. And the answer was, no, ma'am. And then the question
8 right before the objection was, you didn't produce them? I'm
9 sorry. This is a rough draft. So let's just ask your
10 question again because I'm a little confused with some of the
11 text in this rough draft of the transcript. So go ahead.

12 (Whereupon, the record was read.)

13 THE COURT: So the question is you didn't produce
14 them, question mark.

15 THE WITNESS: No, ma'am.

16 BY MS. MATZ:

17 Q Did you understand that they had been requested?

18 A No, ma'am.

19 Q All right. And is that also the reason we're not looking
20 at them here today?

21 A That is correct.

22 MS. MATZ: Your Honor, I apologize. Can I just
23 confer for one moment?

24 THE COURT: Sure.

25 (Brief Pause.)

1 BY MS. MATZ:

2 Q All right. So in terms of those other comments that
3 you're testifying about that you didn't produce, we just have
4 to take your word for it; right?

5 A Yes, ma'am, but they are --

6 Q Okay. Thank you. We were looking at -- I believe we were
7 looking at D-11 still. And you recall talking a little bit
8 about the cease and desist letter you received; correct?

9 A Yes, ma'am.

10 Q And D-11 was a video that you released on what date? Do
11 you recall?

12 A D-11? What's D-11?

13 Q The video we're looking at right now.

14 A Oh. What date was this video released?

15 Q Yeah.

16 A I believe the 21st, if I'm not mistaken.

17 Q Right. And that was after you received the cease and
18 desist letter; right?

19 A That is correct, yes, ma'am.

20 Q Okay. And we know that because you show the cease and
21 desist letter in the video; right?

22 A Yes, ma'am.

23 MS. MATZ: Okay. All right. If we can look, please,
24 at 11:55 approximately, please. You can start here. Okay.

25 (Whereupon, a video recording was played.)

1 BY MS. MATZ:

2 Q All right. Let's pause for a moment. All right. So here
3 you said in this video to all your viewers that your lawyer in
4 D.C. looked at this and determined it was a fake cease and
5 desist; correct?

6 A That is correct.

7 Q All right. And you were saying that to imply to your
8 viewers that this cease and desist letter wasn't real, to
9 discredit it; right?

10 A That is correct.

11 Q Okay. During your deposition, however, you admitted that
12 around this time you didn't have legal counsel; correct?

13 A That is correct.

14 Q Okay. So when you said that to your viewers in your
15 video, that your lawyer looked at it and determined that it
16 was fake to get them to discredit it, you were lying to them;
17 correct?

18 A No, ma'am.

19 Q So you had legal counsel at this time?

20 A No, ma'am.

21 Q So I'm sorry. You said your lawyer in D.C. looked at it
22 and determined it's a fake cease and desist?

23 A Yes, ma'am.

24 Q Did you have a lawyer or not in September of 2018 between
25 September 19th and September 21st?

1 A No, ma'am.

2 Q So when you told your viewers that your lawyer looked at
3 it and determined it was fake, you were lying; correct?

4 A No, ma'am.

5 THE COURT: I think there's another question you
6 should ask.

7 BY MS. MATZ:

8 Q Are you lying now or were you lying during your
9 deposition?

10 A I wasn't lying, no, ma'am.

11 Q So you had an attorney?

12 A No, ma'am.

13 Q Who was that attorney?

14 A My friend.

15 Q But you referred to it as your lawyer.

16 A My lawyer and I forgot to say friend.

17 Q So when you said lawyer, you meant friend?

18 A Yes, ma'am. My lawyer friend, who is my friend who's a
19 lawyer, who looked at the cease and desist and saw that it was
20 not a correct cease and desist because it says gentlepersons.
21 My name is not on the cease and desist. And when she looked
22 at the email, she saw that the lawyers at the time were cc'd,
23 so it came from Cardi B's management team. So they copied and
24 pasted to send me that. So I didn't take it serious because
25 the actual lawyer did not sign it. So my lawyer friend at the

1 time -- I did not retain counsel -- looked at it and said wipe
2 your ass with it.

3 Q Okay. But you conveyed to your viewers that that was your
4 lawyer; correct?

5 A Yes, ma'am, I did say lawyer.

6 Q Okay. So you were misrepresenting the situation to them?

7 A I mean, you could say that, yes, ma'am, but fine.

8 Q So you asked a friend for legal advice, and they gave you
9 some counsel about this; correct?

10 A Yes, ma'am.

11 MR. SABBAK: Your Honor, objection. Asked and
12 answered. I think the jury understands.

13 THE COURT: Overruled.

14 BY MS. MATZ:

15 Q But you do recall also that at your deposition when you
16 were being asked about your efforts to preserve certain
17 information that you claimed was deleted, that your excuse for
18 not having preserved that was that you didn't have legal
19 counsel at this time?

20 A That is correct.

21 Q All right. And you mentioned this again at minute mark
22 12:33; correct?

23 A I believe so. Can you play it.

24 (Whereupon, a video recording was played.)

25 MS. MATZ: Can you back that up a little bit.

1 (Whereupon, a video recording was played.)

2 BY MS. MATZ:

3 Q All right. So here again you misrepresented this person
4 who you were getting advice to -- or from as your lawyer;
5 correct?

6 A Yes, ma'am.

7 Q Okay. And that was so the people who were watching this
8 would think that that person was your lawyer; correct?

9 A Yes, ma'am.

10 Q But you're saying that's not true. That person was not
11 your lawyer?

12 A Wasn't my lawyer, no, ma'am.

13 Q I believe you also testified a minute ago that this was
14 sent by my client's management team?

15 A I believe so, yes, ma'am.

16 Q Okay. So you're saying it wasn't sent from a law firm
17 called Davis Shapiro Lewit Grabel Leven Granderson & Blake?

18 A That is correct, yes, ma'am.

19 Q Are you guessing when you answer that question?

20 A Yes, ma'am, to my knowledge.

21 Q So you're speculating again?

22 A I mean, I can never be sure. I'm just telling you how I
23 saw the email came in.

24 Q But you understand you're under oath; correct?

25 A That is correct.

1 Q So you're giving testimony under the penalties of perjury.

2 A Yes, ma'am.

3 Q And you're giving answers, saying yes to questions where
4 you're really not sure; correct?

5 A I'm giving you answers to the best of my knowledge, yes,
6 ma'am. That is correct.

7 Q So when we pull this email up, it's not going to have come
8 from a law firm?

9 A I'm not sure. Can you just put it up and we can see?

10 Q No, I'm asking you for your knowledge. So either the
11 answer is yes or I'm not sure.

12 A From my knowledge, that was sent to me from her management
13 team or someone and the lawyers were cc'd.

14 Q Okay.

15 A Yes, ma'am.

16 Q Do you know if Damien Granderson is a lawyer?

17 A No, ma'am.

18 Q Did you google him?

19 A I'm sorry?

20 Q Did you google him?

21 A No, ma'am.

22 Q So you didn't make any effort to find out if this was
23 real?

24 A No, ma'am. I told you my lawyer friend looked at it.

25 Q What kind of law does your friend practice?

1 MR. SABBAK: Objection. Relevance, your Honor.

2 THE COURT: Overruled.

3 THE WITNESS: Family law.

4 BY MS. MATZ:

5 Q Okay. And so this person doesn't really have any
6 experience with defamation claims?

7 A I'm not sure. I just called up a friend in D.C. and asked
8 them to look at it at the time.

9 Q Okay. So you called it up a friend, asked for advice, and
10 then told all your viewers what that person said without
11 having any knowledge if they had any idea what they were
12 talking about?

13 A Yes, ma'am.

14 MS. MATZ: All right. Let's look at -- your Honor,
15 can I have just one second to do something with a document? I
16 just need to find it before I move on.

17 THE COURT: I just want to remind you that we're
18 breaking at 4:00 because I have another hearing at 4:00
19 o'clock.

20 MS. MATZ: I understand. Actually, it's on this line
21 of questioning so I'd like to do it now, if that's okay,
22 rather than coming back.

23 THE COURT: Go ahead.

24 MS. MATZ: Thank you.

25 (Whereupon, there was a pause in the proceedings.)

1 BY MS. MATZ:

2 Q Thank you. All right. I'd like to show you what I've
3 just marked as Plaintiff's 515A. This has not been admitted
4 into evidence yet. Have you ever seen this before?

5 A No, ma'am. It looks familiar but, no, ma'am, no.

6 Q You've never seen this email?

7 A What's blacked out at the top?

8 Q I'm asking if you've seen the email that is shown on the
9 screen.

10 A I don't remember, no, ma'am.

11 Q You don't remember?

12 A No, ma'am.

13 Q Okay.

14 MR. SABBAK: Your Honor, can we approach?

15 (Whereupon, a bench conference was held between the
16 Court and counsel.)

17 MR. SABBAK: Your Honor, it appears that Ms. Matz
18 just redacted a document that we've never seen the redactions
19 of, and she's trying to ask my client to identify it.

20 MS. MATZ: Well, first of all --

21 THE COURT: I'm sorry. What's your point? Go ahead
22 and finish.

23 MR. SABBAK: This is a redacted copy. We didn't
24 agree to the redaction so --

25 THE COURT: Well --

1 MR. SABBAK: In the email her name is completely
2 missing.

3 THE COURT: Okay. Tell me what is your objection.
4 She showed her a document which you had, right, because it's
5 515 on their list.

6 MR. SABBAK: It has been heavily redacted, something
7 that we got or agreed to.

8 MS. MATZ: So you actually objected to the part I
9 redacted because you said it was a settlement communication
10 and neither of your clients could authenticate it --

11 THE COURT: You need to talk a little lower.

12 MS. MATZ: I'm sorry. And this is being offered
13 to -- excuse me.

14 MR. SABBAK: I see what you're trying to do but --

15 THE COURT: Okay. So it's a document that you have.
16 So that's not true that -- you said you haven't seen it
17 before --

18 MR. SABBAK: I didn't say I didn't see it, Judge. I
19 said I didn't see the redactions.

20 THE COURT: So you haven't seen the redactions. You
21 see it now. She's asking your client about it. Your client
22 has said she doesn't know that she's seen it.

23 MR. SABBAK: Right.

24 THE COURT: So what's your objection at the point
25 where we're at right this second?

1 MR. SABBAK: I want to see the redacted version
2 before she admits it into evidence.

3 THE COURT: It's not been admitted yet. You've got
4 it on the screen. Do you want her to hand you the -- send you
5 the file of the redacted --

6 MR. SABBAK: It's not the whole document. I just see
7 a portion of it.

8 THE COURT: It appears to be -- okay. So here's the
9 thing. You're upset because your client has backtracked on
10 what I think to be a fairly minor point, honestly, but she has
11 backtracked on her testimony or made statements that made no
12 sense. But the document you have. You know what it says.
13 You've got the document. You can look on the screen and then
14 see what's been redacted and look at the document as it
15 exists.

16 I don't know where we go from here because she said
17 she hasn't seen it before. Maybe there's some more questions
18 that can be asked, but I don't know what's inherently unfair
19 about redactions to a document that you have the complete
20 document.

21 MR. SABBAK: Okay.

22 THE COURT: Do you want me to admit the whole
23 document?

24 MR. SABBAK: I'm going to pull up the -- I have to
25 recall my recollection being that -- that was an exhibit, so

1 I'm going to pull it up on my --

2 MS. MATZ: Your Honor, it's impeachment of the juror
3 (sic). She's saying that this email came from the business
4 managers, and it's clearly from a law firm. I mean, like,
5 it's --

6 MR. SABBAK: Okay. But was that the original email
7 or is that a reply email?

8 MS. MATZ: This is the original email. I took out
9 the reply.

10 MR. SABBAK: But is that the -- I have to look at
11 chain. Is that the middle of the chain? Is that the
12 beginning of the email? Or what part of the email is that?
13 That's my question. I just don't know.

14 MS. MATZ: It's the original email that the cease and
15 desist was attached to.

16 MR. SABBAK: When you say original, do you mean the
17 first sender? Is that a reply? Is that a response to one of
18 my client's responses? Because it just doesn't look like the
19 beginning of the email. This looks like the middle of it.

20 THE COURT: All right. So at this point do you have
21 a legal objection to her -- where we are, it hasn't been
22 identified, so it's not admitted.

23 MS. MATZ: Your Honor, I can find a clean email
24 tonight if that's what they'd prefer.

25 MR. SABBAK: I just want to look at the clean one

1 before --

2 MS. MATZ: I do have it.

3 MR. SABBAK: I don't doubt it, right, but I didn't
4 know it was going to be redacted for her today. That's all.

5 MS. MATZ: I understand your comment and your
6 objections.

7 THE COURT: Do you want the whole email chain then?

8 MR. SABBAK: I want to see the whole email first.

9 THE COURT: You've got all of the documents; right?

10 MR. SABBAK: I mean, I --

11 THE COURT: Okay. Go look at it. Go look at it.

12 MR. SABBAK: I will.

13 (Whereupon, the following proceedings continued in
14 open court.)

15 THE COURT: All right. So counsel expressed concerns
16 about Document 515A. Do you still have an objection?

17 MR. SABBAK: Yes.

18 (Whereupon, a bench conference was held between the
19 Court and counsel.)

20 MR. SABBAK: If she plans on introducing it, we ask
21 that it be introduced in its entirety.

22 THE COURT: You want the whole thing in? Even the
23 stuff that was redacted?

24 MR. SABBAK: That was a different email. What she's
25 referring to is a different email. The one at the top is from

1 Cheick, from her husband. That's the stuff you redacted;
2 right? The email response was from her husband, which is what
3 she testified to. So what you redacted was evidence of what
4 she testified to. That's why I'd like the whole thing in.

5 MS. MATZ: What she responded was evidence that it
6 came from her business managers?

7 MR. SABBAK: I'm not understanding what you're --

8 THE COURT: Can I see a hard copy of it?

9 MS. MATZ: Yeah, sure. I'd be happy to show it to
10 your Honor. Are our exhibit books up there? I'm sorry.

11 THE COURT: Exhibit 515?

12 MS. MATZ: Yes, it is. And let me just grab my --

13 THE COURT: So you want what was there?

14 MS. MATZ: Yeah, that was already redacted because
15 that's actually privilege forwarded.

16 MR. SABBAK: Right. Whatever you had on 316 --
17 there's a response from her husband. There we go. Let me
18 see.

19 THE COURT: You want the whole thing? This whole
20 document as it is right here now?

21 MR. SABBAK: Just this page that we were talking
22 about because I think she's going to impeach her on whether or
23 not she responded to the email, but that's her husband right
24 there, which is what you redacted.

25 THE COURT: I don't think that's -- I think you're

1 misinterpreting what the plaintiff is doing. But you want
2 this whole thing in? Do you have any problem with the whole
3 thing going in?

4 MS. MATZ: I may not, but can I check one thing on my
5 iPad? I apologize I didn't bring both. Just give me one
6 second.

7 THE COURT: Sure.

8 (Brief Pause.)

9 MS. MATZ: Okay. I'm okay with it under one
10 condition. This is not the email that we talked about on the
11 first day of trial that you guys contended opened the door to a
12 bunch of other stuff because your client -- I just want to put
13 it on the record because I don't want something else coming in
14 later about that. And I want to make sure that they are
15 waiving their objection to the settlement communication
16 because they did put that objection on the record. And I
17 don't know --

18 MR. SABBAK: I am not waiving my objection to
19 settlement communications in general.

20 MS. MATZ: No, just this, just this.

21 MR. SABBAK: Obviously, if I'm asking to put it --
22 how broad are you asking me? I'm not going to agree to
23 anything you said because --

24 MS. MATZ: I'm putting it on the record because I
25 don't want an issue on appeal where they claim --

1 THE COURT: Okay. Y'all just step down.

2 (Whereupon, the following proceedings continued in
3 open court.)

4 THE COURT: We're not going to be able to work this
5 out quick enough, and I've already passed the time I told you
6 that we were going to end. So let me give you a little bit --
7 we're going to end now. Let me give you a little bit of my
8 best guess about where we are. I'm not sure that the
9 defendants are going to have another witness to testify. They
10 might. But I'm thinking that probably tomorrow the evidence
11 will be finished in the morning, thereabouts, and that we
12 would have closing arguments tomorrow and that I would also
13 charge you on the law.

14 Rather than have you come back at 9:30, I'm going to
15 ask you to come back at 10:30. I'm going to ask that the
16 lawyers and the parties come back at 9:00 a.m. so that we can
17 finalize the jury instructions. I've already got several
18 pages -- 20 something pages of jury instructions put together
19 that I'm going to give to counsel before they leave today so
20 that they have a chance to look at it over the evening. And
21 they should be prepared when they arrive in the morning at
22 9:00 o'clock to talk about things that are in there that they
23 think shouldn't be in there and things that aren't in there
24 that they think should be in there.

25 And then that way we can make those decisions before

1 you arrive at 10:30. At 10:30 we'll continue with the
2 questioning that is ongoing now, and then there could be some
3 more evidence. Defendant could have some more. The plaintiff
4 would also have an opportunity to have rebuttal testimony if
5 that's applicable in their opinion. If you think about it,
6 the defendant already has the opportunity to rebut anything
7 that the plaintiff's evidence has shown because they go
8 second, and so the law allows the plaintiff, after the
9 defendant puts on their evidence, to then introduce any new
10 testimony, not the same stuff we've heard. But if there's
11 something new they would need to rebut or attempt to rebut,
12 what the defendant has put forward, they could do so.

13 So I think sometime tomorrow afternoon we'll have
14 closing. I'm not sure if there will be a lot of time that is
15 available for you to deliberate tomorrow. I hope that there
16 is some, but there's no guarantee. And there is also, you
17 know, a requirement that the jury reach a verdict in any
18 particular amount of time.

19 You would need to plan on being back probably on
20 Monday to continue jury deliberations or to begin them if we
21 don't get to that until Monday morning. I'm relying on the
22 information I'm telling you because I'm beginning to plan my
23 week next week. I've got Monday open for this trial, but I'm
24 beginning with other hearings on Tuesday for the rest of the
25 week.

1 Again, that doesn't mean that decisions have to be
2 made in this case by then, and I will adjust my schedule
3 accordingly to what's going on in this case. This case will
4 have priority for all that I'm doing, but I'm trying to
5 maximize the efficient use of my time for other matters, if
6 possible, too.

7 Do you have any questions from the jury that you want
8 to ask? Return in the morning at 10:30 so at least you won't
9 have to deal with rush hour on the way in. You may have to on
10 the drive out. But we'll see you tomorrow morning at 10:30.
11 Thank you.

12 COURTROOM SECURITY OFFICER: All rise.

13 (Whereupon, the jurors exited the courtroom.)

14 THE COURT: Y'all just go ahead to your tables, and
15 we'll finish the discussion in a minute.

16 MS. MATZ: Thank you, your Honor.

17 THE COURT: All right. Y'all can be seated. So we
18 were talking about Exhibit 515.

19 MS. MATZ: Your Honor, I apologize. May I ask that
20 Ms. Kebe be excused from the courtroom while we talk about
21 something that could affect her testimony?

22 THE COURT: It's hard for me to -- I can't order a
23 party to step out of the courtroom ever. I mean --

24 MR. SABBAK: We would object to that, your Honor.

25 MS. MATZ: Okay.

1 THE COURT: So I can't do that. But as it relates to
2 the document itself, the document itself is Exhibit 515, which
3 is on the plaintiff's list. And some questions were being
4 asked of the witness of whether she could identify what the
5 document was. There were some redactions that were made to
6 the document. The defendant has objected. We've had a lot of
7 discussions which, frankly, I'm confused about, but I think
8 we've solved it in the sense that the plaintiff is going to
9 introduce the document without the redaction from the original
10 515 and in doing so, though, wants to make clear that the door
11 is not being opened in some way. And I think you referred to
12 settlement discussions.

13 The earlier pretrial there were certain objections
14 that the defendant had made about settlement, about settlement
15 offers when a letter was sent from the lawyers for the
16 plaintiff to the defendant, and then the defendant responded
17 to those letters. And the defendant's position was that none
18 of it could come in because if it came in, then it would be
19 violative of the rule against apprising the trier of fact
20 about any settlement discussions. And the Court -- you're
21 going to have to help me remember because it's been two weeks
22 now nearly. The Court ruled that 515 could come in --

23 MS. MATZ: A different email, your Honor. I don't
24 mean to interrupt you, but this was actually a totally
25 different email.

1 THE COURT: Totally different letter?

2 MS. MATZ: Yeah, totally the -- and I apologize for
3 interrupting. I just wanted to help you since it has been a
4 couple weeks. 515 was the first cease and desist letter. The
5 conversation that was had -- there's two separate issues here.
6 The conversation that was had about allegedly opening the door
7 to certain things that had already been ruled out on motions
8 in limine was in reference to the second cease and desist
9 letter that was sent in 2019 from my firm. This is a totally
10 different letter.

11 THE COURT: All right. So my assumption all along
12 has been what we're doing is the plaintiff is attempting to
13 prove that the witness's testimony about not thinking that the
14 cease and desist letter was valid because it didn't come from
15 a lawyer, it came from managers, isn't true by virtue of what
16 the letter itself says.

17 MS. MATZ: Yeah.

18 THE COURT: Who it says it was sent from. So if 515
19 is admitted, what is it that you're afraid it would open the
20 door to? Were you confused too?

21 MS. MATZ: I was just clarifying because I didn't
22 want -- that was a very important issue about the second cease
23 and desist letter, and I was putting it on the record to
24 clarify because I didn't want any confusion. I am okay with
25 the portion Mr. Sabbak wanted in from the original unredacted.

1 I'm okay with that coming in. I just wanted to clearly put on
2 the record that they were withdrawing their objection because
3 this, the 515 -- I believe it's the Bates number. Tom, could
4 you scroll so I can see the Bates number, please. I'm sorry.
5 Yes, it's 515. I wanted to make sure I wasn't saying the
6 wrong exhibit number.

7 Plaintiff's 515, the full document, they had
8 originally objected on the grounds that it also was a
9 settlement communication. So if they would like us to put the
10 whole email in, I'm willing to do that, but I want to make
11 clear for the record that they're withdrawing that objection
12 because I don't want an issue where they requested it, and
13 then later on some appeal they take the opposite position.
14 That's all.

15 THE COURT: Well, let me think about it just a
16 minute.

17 MR. SABBAK: We never objected to this for the
18 record.

19 THE COURT: Never objected to what?

20 MS. IZMAYLOVA: If I may, your Honor --

21 MS. MATZ: Your Honor, how many counsel?

22 THE COURT: One counsel.

23 MS. MATZ: Sorry.

24 MS. IZMAYLOVA: No one is understanding this.

25 MR. SABBAK: Your Honor, if I may? Ms. Matz has

1 confused the Court. She's referring to two separate emails
2 that have nothing to with each other. I don't know why she
3 would piggyback the issue about opening the door with this
4 email, and that's why I'm sure it was the cause of the
5 confusion. But they just have nothing to do with each other
6 at all. We never objected to this email coming in without the
7 redactions, so there's no issue about opening the door.
8 There's no issue about waiving any objections. We are just
9 fine.

10 MS. MATZ: Your Honor, I don't have any problem with
11 that except --

12 MR. SABBAK: Excuse me. We do not waive our
13 objection to the other email that was -- that we've already
14 discussed, which will absolutely open the door.

15 MS. MATZ: That's fine. They don't need -- the
16 other -- the Court has already ruled on the other one.

17 THE COURT: I think they've said what you need;
18 right? I mean, he's basically said this doesn't open the door
19 to anything, the fact that it comes in.

20 MS. MATZ: They have, and they're waiving their
21 objection based on it being a settlement communication. And I
22 apologize. This is very frustrating because if you look at
23 the list of objections they filed, they did file that this was
24 a settlement communication, and I don't appreciate being
25 accused of making things up when I'm literally looking at the

1 pretrial order.

2 MS. IZMAYLOVA: Your Honor, it is on our exhibit
3 list. This exact email is on the defense exhibit list as well
4 so --

5 THE COURT: Well, 515 is coming in. The plaintiff
6 wants it to come in. The defendant has not objected to it
7 coming in. I don't fully appreciate how it could open the
8 door to really anything other than what it is.

9 MS. MATZ: Yeah, great.

10 THE COURT: So that's where we are.

11 MS. MATZ: Okay. Fantastic.

12 THE COURT: How much longer will -- and if you don't
13 know, just tell me. But how much longer do you think your
14 cross will take?

15 MS. MATZ: Don't hold me to it. I was hoping to
16 finish up in three hours. It might take me a little longer.
17 I'm getting a lot of --

18 THE COURT: Four hours or three hours total?

19 MS. MATZ: I was hoping for originally three hours,
20 but it's clearly taking me longer because I'm getting a lot of
21 inconsistent answers.

22 THE COURT: All right. So I may have been a little
23 overly optimistic then and when we argued -- I don't -- you've
24 got two hours for argument in total between you. I really
25 don't like to have jurors receive -- have argument and then

1 not get to deliberate. So it may be that we don't argue then
2 until Monday. But as far as any rebuttal testimony, does the
3 plaintiff anticipate any of that?

4 MS. MATZ: Maybe. But if we did, it would be very
5 short, I think.

6 THE COURT: Does the defendant still believe that
7 this is your only witness or do you think that there will be
8 the need to call anybody else?

9 MS. IZMAYLOVA: We may call another witness, your
10 Honor.

11 THE COURT: You may?

12 MS. IZMAYLOVA: We may.

13 THE COURT: Okay. All right. Well, y'all be ready
14 to argue tomorrow. I still want you to come back at 9:00
15 o'clock. I want to talk about the jury instructions. Make
16 sure that, from Mr. Roberts today, that you get a copy of the
17 Court's draft of the instructions, and then we'll talk about
18 it in the morning.

19 So really the way I expect that to go is for you to
20 flag what's in there that you don't like, and we'll talk about
21 that. I'll start with the plaintiff and go to the defendant.
22 But also flag what it is that's not in there that you've asked
23 for that you want me to put in there. And, again, we'll do --
24 I'll hear totally from the plaintiff first, then the
25 defendant, and hopefully by 10:30 we'll be ready. Okay.

1 We'll see y'all in the morning. Thank you.

2 MS. MATZ: Thank you, your Honor.

3 THE COURT: I'll take a 5-minute recess while --
4 let's say 10-minute recess while we reassess.

5 COURTROOM SECURITY OFFICER: All rise. Court stands
6 in recess.

7 (Whereupon, the proceedings were adjourned at 4:15
8 p.m.)

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REPORTERS CERTIFICATE

I, Wynette C. Blathers, Official Court Reporter for the United States District Court for the Northern District of Georgia, with offices at Atlanta, do hereby certify:

That I reported on the Stenograph machine the proceedings held in open court on January 20, 2022, in the matter of BELCALIS MARLENIS ALMÁNZAR v. LATASHA TRANSRINA KEBE and KEBE STUDIOS LLC, Case No. 1:19-CV-01301-WMR; that said proceedings in connection with the hearing were reduced to typewritten form by me; and that the foregoing transcript (Volume VII of X, Pages 1 through 97) is a true and accurate record of the proceedings.

This the 27th day of February, 2022.

/s/ Wynette C. Blathers, RMR, CRR
Official Court Reporter